

**EXHIBIT 66**  
**FILED UNDER SEAL**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

---oOo---

WAYMO LLC,

Plaintiff,

vs.

No. 3:17-cv-00939-WHA

UBER TECHNOLOGIES, INC.;

OTTOMOTTO LLC; OTTO TRUCKING,

INC.,

Defendants.

\_\_\_\_\_ /

ATTORNEYS' EYES ONLY

VIDEOTAPED DEPOSITION OF ANTHONY LEVANDOWSKI

SAN FRANCISCO, CALIFORNIA

FRIDAY, APRIL 14, 2017

BY: ANDREA M. IGNACIO, CSR, RPR, CRR, CCRR, CLR ~

CSR LICENSE NO. 9830

JOB NO. 2594023

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1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA  
3 SAN FRANCISCO DIVISION  
4 ---oOo---  
5 WAYMO LLC,  
6 Plaintiff,  
7 vs. No. 3:17-cv-00939-WHA  
8 UBER TECHNOLOGIES, INC.;  
9 OTTOMOTTO LLC; OTTO TRUCKING,  
10 INC.,  
11 Defendants.  
12 \_\_\_\_\_/  
13 Videotaped Deposition of Anthony  
14 Levandowski, taken on behalf of the Plaintiffs, on  
15 April 14, 2017, at Quinn Emanuel Urquhart &  
16 Sullivan, 50 California street, Suite 2200,  
17 San Francisco, California 94111, beginning  
18 9:05 a m., and commencing at 3:13 p m., Pursuant  
19 to Notice, and before me, ANDREA M. IGNACIO, CSR,  
20 RPR, CRR, CLR ~ License No. 9830.  
21  
22  
23  
24  
25

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11  
12 ALSO PRESENT: Nicole T. Bartow, Uber  
13 Shana Stanton, Waymo Inc.  
14 Jeffrey Anderson, Videographer  
15  
16 ---oOo---  
17  
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1 I N D E X  
2  
3 WITNESS: Anthony Levandowski  
4  
5 EXAMINATION PAGE  
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7 Ms. Ray 165  
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11 E X H I B I T S  
12 EXHIBIT PAGE  
13 Exhibit 25 Schematic for Uber's Fuji board 135  
14 Exhibit 26 PCB Configuration for the Fuji 142  
15 board  
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1 SAN FRANCISCO, CALIFORNIA  
2 FRIDAY, APRIL 14, 2017  
3 9:05 A.M.  
4  
5  
6  
7 THE VIDEOGRAPHER: Good morning. 09:03  
8 THE WITNESS: Good morning. 09:05  
9 MR. EHRLICH: Good morning. 09:05  
10 THE VIDEOGRAPHER: We are on the record at 09:05  
11 9:05 a.m. on April 14th, 2017. 09:05  
12 This is the video recorded deposition of 09:06  
13 Anthony Levandowski. 09:06  
14 My name is Jeffrey Anderson, here with our 09:06  
15 court reporter, Andrea Ignacio. We're here from 09:06  
16 Veritext Legal Solutions at the request of counsel for 09:06  
17 the defendant. 09:06  
18 This deposition is being held at 09:06  
19 50 California Street in San Francisco, California. 09:06  
20 The caption of this case is Waymo, LLC versus 09:06  
21 Uber Technologies. Case No. 317-CV-00939 WHA. 09:06  
22 Please note that audio and video recording 09:06  
23 will take place, unless all parties agree to go off 09:06  
24 the record. Microphones are sensitive and may pick up 09:06  
25 whispers, private conversations, and cellular 09:06  
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1 interference, so please be aware of that. 09:06  
2 Please state your name and the firm you 09:06  
3 represent, beginning with the noticing attorney. 09:06  
4 MR. PERLSON: I just want to correct one 09:06  
5 thing you said. Plaintiff Waymo requested the 09:06  
6 deposition, not the defendant. 09:07  
7 THE VIDEOGRAPHER: I apologize about that. 09:07  
8 MR. PERLSON: David Perlson from Quinn 09:07  
9 Emanuel, on behalf of plaintiff Waymo. 09:07  
10 MR. SCHMIDT: Patrick Schmidt from Quinn 09:07  
11 Emanuel, on behalf of plaintiff Waymo. 09:07  
12 MS. STANTON: Shana Stanton from Waymo. 09:07  
13 MS. BARTOW: Nicole Bartow, in-house at Uber. 09:07  
14 MS. RAY: Wendy Ray of Morrison & Foerster, 09:07  
15 on behalf of defendants Uber Technologies, Ottomoto, 09:07  
16 and Otto Trucking. 09:07  
17 MR. EHRLICH: Miles Ehrlich from Ramsey & 09:07  
18 Ehrlich, on behalf of the deponent, Anthony 09:07  
19 Levandowski. 09:07  
20 THE VIDEOGRAPHER: Thank you. 09:07  
21 The witness will be sworn in, and counsel may 09:07  
22 begin the examination. 09:07  
23 /// 09:07  
24 /// 09:07  
25 /// 09:07  
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1 ANTHONY LEVANDOWSKI, 09:06  
2 having been sworn as a witness  
3 by the Certified Shorthand Reporter,  
4 testified as follows:  
5  
6 EXAMINATION  
7 BY MR. PERLSON:  
8 Q Can you please state and spell your name for 09:07  
9 the record. 09:07  
10 A Anthony Levandowski. A-N-T-H-O-N-Y, 09:07  
11 L-E-V-A-N-D-O-W-S-K-I. 09:07  
12 Q And where do you live? 09:07  
13 A I live in Oakland, California. 09:07  
14 Q And have you ever been deposed before? 09:07  
15 A I have not. 09:08  
16 Q Well, you understand that you're testifying 09:08  
17 under oath, the same oath that you would take if you 09:08  
18 were testifying in front of a jury? 09:08  
19 A I understand that. 09:08  
20 Q Is there any reason you can't give complete 09:08  
21 and accurate testimony today? 09:08  
22 A I don't see why not. 09:08  
23 Q I'm going to try to be as clear as I can. 09:08  
24 But, if I'm not clear, please do let me know, and I'll 09:08  
25 do my best to rephrase the question. 09:08  
Page 8

1 Is that acceptable? 09:08  
2 A That sounds great. 09:08  
3 Q And, you need to give audible answers, yes or 09:08  
4 no, rather than nodding of the head or shaking of the 09:08  
5 head. 09:08  
6 A Of course. I understand that. 09:08  
7 Q I see you have a couple of pieces of paper in 09:08  
8 front of you. Can you tell me what those are. 09:08  
9 A Yeah, my counsel gave me two pieces of paper. 09:08  
10 They say very similar things. Do you want me to read 09:08  
11 them out to you? 09:08  
12 Q No. I suspect that you'll probably read them 09:08  
13 later. 09:08  
14 A You'll hear them, most likely. 09:09  
15 Q Yeah. Okay. 09:09  
16 Well, where do you work currently? 09:09  
17 A I work at Uber. 09:09  
18 Q Okay. And what's your position there? 09:09  
19 A I'm vice president of engineering. 09:09  
20 Q And in what aspect of -- what -- what -- what 09:09  
21 are your responsibilities as vice president of 09:09  
22 engineering? 09:09  
23 MR. EHRLICH: I'm going to instruct you to 09:09  
24 invoke your constitutional rights. 09:09  
25 THE WITNESS: I'll read from the paper: 09:09  
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<p>1 "On the advice and direction of my counsel, I 09:09 2 respectfully decline to answer. And I assert the 09:09 3 rights guaranteed to me under the Fifth Amendment of 09:09 4 the Constitution of the United States." 09:09 5 MR. PERLSON: Q. How long have you worked at 09:09 6 Uber? 09:09 7 A On the advice and direction of my counsel, I 09:09 8 respectfully decline to answer. And I assert the 09:09 9 rights guaranteed to me under the Fifth Amendment of 09:09 10 the Constitution of the United States. 09:09 11 Q You are a former employee of Google; correct? 09:10 12 A That's correct. 09:10 13 Q When did you leave the employ of Google? 09:10 14 MR. EHRLICH: You can answer. 09:10 15 THE WITNESS: Okay. In January of 2016. I 09:10 16 don't know the exact date, yeah. 09:10 17 MR. PERLSON: Q. When you worked at Google, 09:10 18 you received tens of millions of dollars in 09:10 19 compensation from Google; is that accurate? 09:10 20 MR. EHRLICH: I'm going to instruct you to 09:10 21 assert your rights. 09:10 22 THE WITNESS: Okay. On the advice and 09:10 23 direction of my counsel, I respectfully decline to 09:10 24 answer. And I assert the rights guaranteed to me 09:10 25 under the Fifth Amendment of the Constitution of the 09:10 Page 10</p>	<p>1 A On the advice and direction of my counsel, I 09:11 2 respectfully decline to answer. And I assert the 09:12 3 rights guaranteed to me under the Fifth Amendment of 09:12 4 the Constitution of the United States. 09:12 5 Q You and Uber discussed that your new company 09:12 6 would eventually be acquired by Uber while you were 09:12 7 still employed at Google? 09:12 8 A On the advice and direction of my counsel, I 09:12 9 respectfully decline to answer. And I assert the 09:12 10 rights guaranteed to me under the Fifth Amendment of 09:12 11 the Constitution of the United States. 09:12 12 Q You began forming your new company that would 09:12 13 eventually be acquired by Uber in early 2016; is that 09:12 14 correct? 09:12 15 A On the advice and direction of my counsel, I 09:12 16 respectfully decline to answer. And I assert the 09:12 17 rights guaranteed to me under the Fifth Amendment of 09:12 18 the Constitution of the United States. 09:12 19 Q That new company eventually became Otto; 09:12 20 correct? 09:12 21 A On the advice and direction of my counsel, I 09:12 22 respectfully decline to answer. And I assert the 09:12 23 rights guaranteed to me under the Fifth Amendment of 09:12 24 the Constitution of the United States. 09:12 25 Q While you were still employed by Google, you 09:12 Page 12</p>
<p>1 United States. 09:10 2 MR. PERLSON: Q. You understood that, while 09:10 3 you were at Google, that you were obligated to keep 09:10 4 Google sensitive information confidential? 09:10 5 A On the advice of -- on the -- on the advice 09:10 6 and direction of my counsel, I respectfully decline to 09:11 7 answer. And I assert the rights guaranteed to me 09:11 8 under the Fifth Amendment of the Constitution of the 09:11 9 United States. 09:11 10 Q You understand that, while you were at 09:11 11 Google, you were not allowed to use Google's 09:11 12 confidential information for a competitor? 09:11 13 A On the advice and direction of my counsel, I 09:11 14 respectfully decline to answer. And I assert the 09:11 15 rights guaranteed to me under the Fifth Amendment of 09:11 16 the Constitution of the United States. 09:11 17 Q Mr. Levandowski, you were in discussions with 09:11 18 Uber for months prior to your departure from Google 09:11 19 regarding working for Uber; correct? 09:11 20 A On the advice of my counsel, I respectfully 09:11 21 decline to answer. And I assert the rights guaranteed 09:11 22 to me under the Fifth Amendment of the Constitution of 09:11 23 the United States. 09:11 24 Q You and Uber discussed how you would form a 09:11 25 new company while you were employed by Google? 09:11 Page 11</p>	<p>1 recruited engineers to join your new company so that 09:12 2 your new company could replicate Google's LiDar 09:13 3 technology; correct? 09:13 4 A On the advice and direction of my counsel, I 09:13 5 respectfully decline to answer. And I assert the 09:13 6 rights guaranteed to me under the Fifth Amendment of 09:13 7 the Constitution of the United States. 09:13 8 Q You made Uber aware of your plan to replicate 09:13 9 Google's LiDar technology for your new company; 09:13 10 correct? 09:13 11 A On the -- on the advice and direction of my 09:13 12 counsel, I respectfully decline to answer. And I 09:13 13 assert the rights guaranteed to me under the Fifth 09:13 14 Amendment of the Constitution of the United States. 09:13 15 Q Travis Kalanick recruited you personally to 09:13 16 do -- to work for Uber; correct? 09:13 17 A On the advice and direction of my counsel, I 09:13 18 respectfully decline to answer. And I assert the 09:13 19 rights guaranteed to me on the Fifth Amendment -- 09:13 20 under the Fifth Amendment of the United States -- the 09:13 21 Fifth Amendment of the Constitution of the United 09:14 22 States. 09:14 23 Q Mr. Kalanick was aware of your plan to 09:14 24 replicate Google's LiDar technology for your new 09:14 25 company; correct? 09:14 Page 13</p>

1 A On the advice and direction of my counsel, I 09:14 2 respectfully decline to answer. And I assert the 09:14 3 rights guaranteed to me under the Fifth Amendment of 09:14 4 the Constitution of the United States. 09:14 5 Q In fact, Uber -- Uber encouraged you to 09:14 6 replicate Google's LiDar technology at Otto; correct? 09:14 7 A On the advice and direction of my counsel, I 09:14 8 respectfully decline to answer. And I assert the 09:14 9 rights guaranteed to me under the Fifth Amendment of 09:14 10 the Constitution of the United States. 09:14 11 Q And Mr. Kalanick encouraged you to replicate 09:14 12 Google's LiDar technology at Otto; correct? 09:14 13 A On the advice and direction of my counsel, I 09:14 14 respectfully decline to answer. And I assert the 09:14 15 rights guaranteed to me under the Fifth Amendment of 09:14 16 the Constitution of the United States. 09:14 17 Q Uber encouraged you to replicate Google's 09:14 18 LiDar technology so that it would be available to Uber 09:15 19 when it acquired Otto; correct? 09:15 20 A On the advice and direction of my counsel, I 09:15 21 respectfully decline to answer. And I assert the 09:15 22 rights guaranteed to me under the Fifth Amendment of 09:15 23 the Constitution of the United States. 09:15 24 Q You took over 14,000 confidential documents 09:15 25 from Google prior to your departure from Google; 09:15 Page 14	1 the Constitution of the United States. 09:16 2 Q Uber knew that you took 14,000 confidential 09:16 3 documents from Google in order to accelerate your 09:16 4 development of LiDar technology at Otto -- 09:16 5 A On -- 09:16 6 Q -- correct? 09:16 7 A On the advice and direction of my counsel, I 09:16 8 respectfully decline to answer. And I assert the 09:16 9 rights guaranteed to me under the Fifth Amendment of 09:16 10 the Constitution of the United States. 09:16 11 Q Uber encouraged you to take the 09:16 12 14,000 confidential Google documents so that the 09:16 13 information would be available to Uber when it 09:16 14 acquired Otto; correct? 09:16 15 A On the -- on the advice and direction of my 09:16 16 counsel, I respectfully decline to answer. And I 09:17 17 assert the rights guaranteed to me under the Fifth 09:17 18 Amendment of the Constitution of the United States. 09:17 19 Q Uber helped you conceal the fact that you had 09:17 20 taken 14,000 confidential documents from Google; 09:17 21 correct? 09:17 22 A On the advice and direction of my counsel, I 09:17 23 respectfully decline to answer. And I assert the 09:17 24 rights guaranteed to me under the Fifth Amendment of 09:17 25 the Constitution of the United States. 09:17 Page 16
1 correct? 09:15 2 A On the advice and direction of my counsel, I 09:15 3 respectfully decline to answer. And I assert the 09:15 4 rights guaranteed to me under the Fifth Amendment of 09:15 5 the Constitution of the United States. 09:15 6 Q You made these 14,000 confidential documents, 09:15 7 that you took from Google, available to your new 09:15 8 company, Otto; correct? 09:15 9 A On the advice and direction of my counsel, I 09:15 10 respectfully decline to answer. And I assert the 09:15 11 rights guaranteed to me under the Fifth Amendment of 09:15 12 the Constitution of the United States. 09:15 13 Q Among the 14,000 documents you took from 09:15 14 Google, there were documents that reflected Google's 09:15 15 proprietary LiDar technology; correct? 09:15 16 A On the advice and direction of my counsel, I 09:16 17 respectfully decline to answer. And I assert the 09:16 18 rights guaranteed to me under the Fifth Amendment of 09:16 19 the Constitution of the United States. 09:16 20 Q You took the 14,000 documents from Google so 09:16 21 that you could get -- so that you could more quickly 09:16 22 replicate Google's technology at Otto; correct? 09:16 23 A On the advice and direction of my counsel, I 09:16 24 respectfully decline to answer. And I assert the 09:16 25 rights guaranteed to me under the Fifth Amendment of 09:16 Page 15	1 Q Uber developed a plan in which a joint 09:17 2 defense agreement would be entered for the sole 09:17 3 purpose of hiding the fact that you had taken 09:17 4 14,000 confidential documents from Google? 09:17 5 MS. RAY: I instruct you not to answer on the 09:17 6 basis of attorney-client privilege. 09:17 7 MR. PERLSON: Q. Are you aware of the 09:18 8 existence of a due diligence report regarding that -- 09:18 9 regarding Uber's acquisition of Otto? 09:18 10 MS. RAY: Can you hold on a second. 09:18 11 You may answer. 09:18 12 MR. EHRLICH: I'm going to instruct you to 09:18 13 decline to answer based on attorney-client privilege, 09:18 14 and also instruct you to assert your rights. 09:18 15 THE WITNESS: Okay. On the -- 09:18 16 MS. RAY: Join in that instruction on 09:18 17 attorney-client privilege. 09:18 18 MR. PERLSON: Can you identify the attorney 09:18 19 and the client in that instruction. 09:18 20 MR. EHRLICH: The attorney and the client in 09:19 21 that instruction? 09:19 22 The client is Mr. Levandowski, and the 09:19 23 attorney at the time was John Gardner, and other 09:19 24 attorneys associated with Uber and Otto, whose names I 09:19 25 don't know at the present time. 09:19 Page 17



1 And it's related to joint defense common 09:19	1 the Constitution of the United States. 09:21
2 interest privilege that's been under discussion before 09:19	2 Q Throughout the first half of 2016 you did, in 09:21
3 Judge Alsup. 09:19	3 fact, use the 14,000 confidential Google documents 09:21
4 MR. PERLSON: Q. Do you want to read your -- 09:19	4 that you took; correct? 09:21
5 MR. EHRLICH: Please go ahead. 09:19	5 A On the advice and direction of my counsel, I 09:21
6 MS. RAY: Well, he's gotten an instruction 09:19	6 respectfully decline to answer. And I assert the 09:21
7 not to answer; right? 09:19	7 rights guaranteed to me under the Fifth Amendment of 09:22
8 Miles, you're instructing him not to answer? 09:19	8 the Constitution of the United States. 09:22
9 MR. EHRLICH: Yeah, that's a good point. The 09:19	9 Q Throughout the first half of 2016, you used 09:22
10 instruction is not to answer. 09:19	10 the 14,000 confidential Google documents that you took 09:22
11 And you're going to follow my instruction? 09:19	11 in order to accelerate your development of LiDar 09:22
12 THE WITNESS: I will follow your instruction. 09:19	12 systems at Otto; correct? 09:22
13 MR. EHRLICH: Okay. 09:19	13 A On the advice and direction of my counsel, I 09:22
14 MR. PERLSON: Q. Mr. Levandowski, you and 09:19	14 respectfully decline to answer. And I assert the 09:22
15 Uber discussed how you should exploit Google's 09:20	15 rights guaranteed to me under the Fifth Amendment of 09:22
16 confidential information regarding LiDar technology in 09:20	16 the Constitution of the United States. 09:22
17 a way that wouldn't subject Uber to liability for that 09:20	17 Q And, even while you were employed by Uber, 09:22
18 use; correct? 09:20	18 you used the 14,000 confidential Google documents that 09:22
19 A On the advice and direction of my counsel, I 09:20	19 you took in order to accelerate the development of 09:22
20 respectfully decline to answer. And I assert the 09:20	20 LiDar systems at Uber? 09:24
21 rights guaranteed to me under the Fifth Amendment of 09:20	21 A On the advice and direction of my counsel, I 09:22
22 the Constitution of the United States. 09:20	22 respectfully decline to answer. And I assert the 09:22
23 Q Before you left Google, you and Uber 09:20	23 rights guaranteed to me under the Fifth Amendment of 09:22
24 discussed you starting a new company in January -- 09:20	24 the Constitution of the United States. 09:22
25 January 2016? 09:20	25 THE WITNESS: Can you stop a minute? The sun 09:22
Page 18	Page 20
1 A On the advice and direction of my counsel, I 09:20	1 has moved, and there's a glare. If we -- 09:22
2 respectfully decline to answer. And I assert the 09:20	2 MR. PERLSON: Why don't we take a break. 09:22
3 rights guaranteed to me under the Fifth Amendment of 09:20	3 THE VIDEOGRAPHER: Going off the record. The 09:23
4 the Constitution of the United States. 09:20	4 time is 9:22 a.m. 09:23
5 Q You and Uber decided that you should start a 09:20	5 (Recess taken.) 09:23
6 new company so that you could start exploiting 09:20	6 THE VIDEOGRAPHER: We are back on the record. 09:24
7 Google's confidential information without leaving a 09:20	7 The time is 9:24 a.m. 09:24
8 trail at Uber; correct? 09:20	8 MR. PERLSON: Q. Mr. Levandowski, the 09:24
9 A On the advice and direction of my counsel, I 09:21	9 14 confident- -- let me start over again. 09:25
10 respectfully decline to answer. And I assert the 09:21	10 Mr. Levandowski, the 14,000 confidential 09:25
11 rights guaranteed to me under the Fifth Amendment of 09:21	11 documents that you took from Google allowed you to 09:25
12 the Constitution of the United States. 09:21	12 develop LiDar systems at Otto more quickly than if 09:25
13 Q You and Uber had an understanding by at least 09:21	13 you'd started with a clean sheet design? 09:25
14 early 2016 that your new company would be acquired by 09:21	14 A On the advice and direction of my counsel, I 09:25
15 Uber; correct? 09:21	15 respectfully decline to answer. And I assert the 09:25
16 A On the advice and direction of my counsel, I 09:21	16 rights guaranteed to me under the Fifth Amendment of 09:25
17 respectfully decline to answer. And I assert the 09:21	17 the Constitution of the United States. 09:25
18 rights guaranteed to me under the Fifth Amendment of 09:21	18 Q Mr. Levandowski, your use of the 09:25
19 the Constitution of the United States. 09:21	19 14,000 confidential documents you took from Google 09:25
20 Q In January of 2016, you and Uber discussed 09:21	20 allowed you to sell Otto to Uber for over \$680 million 09:25
21 how to cover up the fact that you had taken 14,000 09:21	21 in just a few months? 09:25
22 confidential documents from Google; correct? 09:21	22 A On the advice and direction of my counsel, I 09:25
23 A On the advice and direction of my counsel, I 09:21	23 respectfully decline to answer. And I assert the 09:25
24 respectfully decline to answer. And I assert the 09:21	24 rights guaranteed to me under the Fifth Amendment of 09:25
25 rights guaranteed to me under the Fifth Amendment of 09:21	25 the Constitution of the United States. 09:25
Page 19	Page 21

<p>1 Q You disclosed the status of your development 09:25 2 of LiDar systems at Otto before the acquisition of 09:25 3 Otto by Uber? 09:25 4 A On the advice and direction of my counsel, I 09:26 5 respectfully decline to answer. And I assert the 09:26 6 rights guaranteed to me under the Fifth Amendment of 09:26 7 the Constitution of the United States. 09:26 8 Q The advanced status of Otto's LiDar systems 09:26 9 substantially contributed to the value of Otto; 09:26 10 correct? 09:26 11 A On the advice and direction of my counsel, I 09:26 12 respectfully decline to answer. And I assert the 09:26 13 rights guaranteed to me under the Fifth Amendment of 09:26 14 the Constitution of the United States. 09:26 15 Q You understand that Uber paid \$680 million 09:26 16 for Otto because they knew that Otto had leveraged 09:26 17 Google's confidential information; correct? 09:26 18 MS. RAY: Objection; calls for speculation. 09:26 19 MR. EHRLICH: Go ahead and answer. 09:26 20 THE WITNESS: Okay. 09:26 21 On the advice and direction of my counsel, I 09:26 22 respectfully decline to answer. And I assert the 09:26 23 rights guaranteed to me under the Fifth Amendment of 09:26 24 the Constitution of the United States. 09:26 25 MR. PERLSON: Q. Uber told you that they 09:26 Page 22</p>	<p>1 respectfully decline to answer. And I assert the 09:28 2 rights guaranteed to me under the Fifth Amendment of 09:28 3 the Constitution of the United States. 09:28 4 Q You used confidential information from the 09:28 5 14,000 files you took from Google to develop the Fuji 09:28 6 device at Uber; correct? 09:28 7 A On the advice and direction of my counsel, I 09:28 8 respectfully decline to answer. And I assert the 09:28 9 rights guaranteed to me under the Fifth Amendment of 09:28 10 the Constitution of the United States. 09:28 11 Q You used confidential information from the 09:28 12 14,000 files you took from Google to develop the 09:28 13 Spider device; correct? 09:28 14 A On the advice and direction of my counsel, I 09:28 15 respectfully decline to answer. And I assert the 09:28 16 rights guaranteed to me under the Fifth Amendment of 09:28 17 the Constitution of the United States. 09:29 18 Q Without the use of the 14,000 -- let me start 09:29 19 over again. 09:29 20 Without the use of information from the 09:29 21 14,000 files you took from Google, Otto would not have 09:29 22 been able to develop any of its LiDar devices; 09:29 23 correct? 09:29 24 A On the advice and direction of my counsel, I 09:29 25 respectfully decline to answer. And I assert the 09:29 Page 24</p>
<p>1 paid \$680 million for Otto because they knew that Otto 09:26 2 had leveraged Google's confidential information? 09:27 3 A On the advice and direction of my counsel, I 09:27 4 respectfully decline to answer. And I assert the 09:27 5 rights guaranteed to me under the Fifth Amendment of 09:27 6 the Constitution of the United States. 09:27 7 Q You used confidential information you took 09:27 8 from Google to develop LiDar at Uber; correct? 09:27 9 A On the advice and direction of my counsel, I 09:27 10 respectfully decline to answer. And I assert the 09:27 11 rights guaranteed to me under the Fifth Amendment of 09:27 12 the Constitution of the United States. 09:27 13 Q You used information from the 14,000 files 09:27 14 you took from Uber -- from -- let me start over again. 09:27 15 You used confidential information from the 09:27 16 14,000 files you took from Google to develop LiDar at 09:27 17 Uber; correct? 09:27 18 A On the advice and direction of my counsel, I 09:27 19 respectfully decline to answer. And I assert the 09:27 20 rights guaranteed to me under the Fifth Amendment of 09:27 21 the Constitution of the United States. 09:28 22 Q You used information from the 14,000 files 09:28 23 you took from Google to develop the OWL device; 09:28 24 correct? 09:28 25 A On the advice and direction of my counsel, I 09:28 Page 23</p>	<p>1 rights guaranteed to me under the Fifth Amendment of 09:29 2 the Constitution of the United States. 09:29 3 Q Without the information from the 14,000 files 09:29 4 you took from Google, Uber would not have been able to 09:29 5 develop any of its LiDar devices; correct? 09:29 6 A On the advice and direction of my counsel, I 09:30 7 respectfully decline to answer. And I assert the 09:30 8 rights guaranteed to me under the Fifth Amendment of 09:30 9 the Constitution of the United States. 09:30 10 Q Uber continues to use information from the 09:30 11 14,000 files you took from Goober -- from Google to 09:30 12 develop its LiDar systems even today? 09:30 13 A On the advice and direction of my counsel, I 09:30 14 respectfully decline to answer. And I assert the 09:30 15 rights guaranteed to me under the Fifth Amendment of 09:30 16 the Constitution of the United States. 09:30 17 Q Information from the 14,000 files you took 09:30 18 from Google has made its way onto Uber's servers; 09:30 19 correct? 09:30 20 A On the advice and direction of my counsel, I 09:30 21 respectfully decline to answer. And I assert the 09:30 22 rights guaranteed to me under the Fifth Amendment -- 09:30 23 Q On what -- 09:30 24 A -- of the Constitution of the United States. 09:30 25 Q On what servers at Uber does Google's 09:30 Page 25</p>



1 confidential information from the 14,000 files you 09:31	1 follow that instruction. 09:33
2 took from Google reside? 09:31	2 THE WITNESS: On the advice and direction of 09:33
3 MS. RAY: Objection; calls for speculation. 09:31	3 my counsel -- 09:33
4 MR. EHRLICH: Go ahead and answer. 09:31	4 MR. EHRLICH: Well, so you're not going to 09:33
5 THE WITNESS: On the advice and direction of 09:31	5 answer. 09:33
6 my counsel, I respectfully decline to answer. And I 09:31	6 THE WITNESS: I'm not going to answer? Okay. 09:33
7 assert the rights guaranteed to me under the Fifth 09:31	7 MR. EHRLICH: You're not going to answer on 09:34
8 Amendment of the Constitution of the United States. 09:31	8 the instruction of counsel for Uber. 09:34
9 MR. PERLSON: Q. At least some portion of 09:31	9 THE WITNESS: I will follow advice from 09:34
10 the 14,000 files you took from Google remains on 09:31	10 counsel. 09:34
11 Uber's servers; correct? 09:31	11 MR. PERLSON: Understood. 09:34
12 A On the advice and direction of my counsel, I 09:31	12 I -- the premise that the only way that he 09:34
13 respectfully decline to answer. And I assert the 09:31	13 could know that information is from counsel is 09:34
14 rights guaranteed to me under the Fifth Amendment of 09:31	14 demonstrably false. But, if you want to make that 09:34
15 the Constitution of the United States. 09:31	15 instruction, you can go right ahead. 09:34
16 Q As head of its self-driving car program, you 09:31	16 MS. RAY: Looking at the question, I don't 09:34
17 agree that Google and Waymo's confidential information 09:32	17 believe that's true. 09:34
18 is the source of all of -- let me start over again. 09:32	18 MR. PERLSON: You can make your instruction 09:34
19 All of Uber's LiDar designs are a derivative 09:32	19 and live with the consequences of it. 09:34
20 of Google's and Waymo's confidential information that 09:32	20 Do you want me to go on? 09:34
21 you took and used at Uber as head of its self-driving 09:32	21 Q Are you aware that there are entries on the 09:34
22 car program; correct? 09:32	22 privilege log that defendants have served in this case 09:34
23 A On the advice and direction of my counsel, I 09:32	23 as early as January 29th, 2016? 09:34
24 respectfully decline to answer. And I assert the 09:32	24 MS. RAY: Objection. 09:34
25 rights guaranteed to me under the Fifth Amendment of 09:32	25 I instruct you not to answer on the basis of 09:34
Page 26	Page 28
1 the Constitution of the United States. 09:32	1 attorney-client privilege. 09:34
2 Q Are you aware that defendants in this case 09:32	2 MR. EHRLICH: Let me just read this. Excuse 09:34
3 have served on plaintiff almost 1,000 pages of 09:32	3 me. 09:35
4 privilege logs? 09:32	4 And, to the extent it does not call for 09:35
5 MS. RAY: Objection. 09:32	5 privileged information, I'm going to instruct you to 09:35
6 I instruct you not to answer to the extent 09:32	6 assert your rights. 09:35
7 that calls for attorney-client privileged information. 09:32	7 MR. PERLSON: Well, she instructed him not to 09:35
8 MR. EHRLICH: And, to the extent it doesn't 09:33	8 answer. 09:35
9 call for privileged information, I instruct you to 09:33	9 So, are you following that instruction? 09:35
10 assert your rights. 09:33	10 MR. EHRLICH: I'm going to ask you to follow 09:35
11 THE WITNESS: On the advice and direction of 09:33	11 that instruction. 09:35
12 my counsel, I respectfully decline to answer. And I 09:33	12 THE WITNESS: Okay. 09:35
13 assert the rights guaranteed to me under the Fifth 09:33	13 MR. EHRLICH: But to be safe and so the 09:35
14 Amendment of the Constitution of the United States. 09:33	14 record is clear, in case there is information that he 09:35
15 MR. PERLSON: Q. Are you aware that the 09:33	15 may know that is not from a privi- -- privileged 09:35
16 basis for nearly every single assertion of privilege 09:33	16 source, I think it's best that he provide an answer 09:35
17 in this document is based on communications made at 09:33	17 for the record. 09:35
18 least in part by you? 09:33	18 MR. PERLSON: Okay. I mean, I understand why 09:35
19 MS. RAY: Objection. 09:33	19 you're saying that, but that's not how it works. You 09:35
20 I instruct you not to answer to the extent it 09:33	20 either answer the question or you don't. 09:35
21 calls for attorney-client privileged information. 09:33	21 So, if you want to take a break to figure out 09:35
22 The only information he would know is from 09:33	22 what the appropriate thing to do is, that's fine. But 09:35
23 attorneys. 09:33	23 we don't want to -- we're not going to waste time. 09:35
24 I instruct you not to answer. 09:33	24 MS. RAY: Let's go off the record. 09:35
25 MR. EHRLICH: And I will instruct you to 09:33	25 MR. EHRLICH: It's -- just for the record, so 09:35
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<p>1 the only -- I respect that Uber is making a privileged 09:35 2 objection. 09:35 3 I want to make sure that nothing 09:35 4 Mr. Levandowski does undermines the privilege that 09:36 5 Uber is asserting. 09:36 6 If -- to the extent it's a common interest 09:36 7 privilege, I would be advising Mr. Levandowski to 09:36 8 assert it as well. 09:36 9 But I just want -- I just want to be clear. 09:36 10 I'm not -- I think if there is an answer that's 09:36 11 required, I'm going to instruct him to assert his 09:36 12 rights. 09:36 13 MR. PERLSON: Okay. I think -- once again, I 09:36 14 think the objection is improper. 09:36 15 Q But, are you going to follow -- are you going 09:36 16 to follow Uber's instructions -- 09:36 17 A I'm going to follow -- 09:36 18 Q -- not to answer the question? 09:36 19 A I'm going to follow Miles' instructions. 09:36 20 MR. EHRLICH: And I'm going to ask him to 09:36 21 follow that instruction. 09:36 22 MR. PERLSON: Okay. 09:36 23 THE WITNESS: So that means I follow -- 09:36 24 MR. EHRLICH: So we can move on. 09:36 25 MR. PERLSON: Okay. 09:36</p> <p style="text-align: right;">Page 30</p>	<p>1 Q When did you first start discussing an 09:38 2 acquisition of what would become Ottomoto with Uber? 09:38 3 A On the advice and direction of my counsel, I 09:38 4 respectfully decline to answer. And I assert the 09:38 5 rights guaranteed to me under the Fifth Amendment of 09:38 6 the Constitution of the United States. 09:38 7 Q When did you first receive any -- let me 09:38 8 start over again. 09:38 9 When was your first attorney-client 09:38 10 communication with Eric Tate at Morrison &amp; Foerster 09:38 11 regarding the acquisition of Ottomoto? 09:38 12 A On the advice and direction of my counsel, I 09:38 13 respectfully decline to answer. And I assert the 09:38 14 rights guaranteed to me under the Fifth Amendment of 09:38 15 the Constitution of the United States. 09:39 16 Q When did you first enter into a joint defense 09:39 17 agreement -- let me start over again. 09:39 18 When did you first enter into a common 09:39 19 interest agreement with Uber regarding a potential 09:39 20 acquisition of Otto? 09:39 21 A On the advice and direction of my counsel, I 09:39 22 respectfully decline to answer. And I assert the 09:39 23 rights guaranteed to me under the Fifth Amendment of 09:39 24 the Constitution of the United States. 09:39 25 Q What common interest do you have with Uber 09:39</p> <p style="text-align: right;">Page 32</p>
<p>1 Q January 29, 2016, is within days of you 09:36 2 leaving Google; correct? 09:37 3 A On the advice and direction of my counsel, I 09:37 4 respectfully decline to answer. And I assert the 09:37 5 rights guaranteed to me under the Fifth Amendment of 09:37 6 the Constitution of the United States. 09:37 7 Q On January 29, 2016, were you receiving legal 09:37 8 advice regarding due diligence for an acquisition of 09:37 9 Ottomoto? 09:37 10 A On the advice and direction of my counsel, I 09:37 11 respectfully decline to answer. And I assert the 09:37 12 rights guaranteed to me under the Fifth Amendment of 09:37 13 the Constitution of the United States. 09:37 14 Q Did Ottomoto exist on January 29, 2016? 09:37 15 A On the advice and direction of my counsel, I 09:37 16 respectfully decline to answer. And I assert the 09:37 17 rights guaranteed to me under the Fifth Amendment of 09:37 18 the Constitution of the United States. 09:37 19 Q When did you first start receiving legal 09:37 20 advice regarding an acquisition of the company that 09:37 21 would become Ottomoto? 09:37 22 A On the advice and direction of my counsel, I 09:37 23 respectfully decline to answer. And I assert the 09:37 24 rights guaranteed to me under the Fifth Amendment of 09:37 25 the Constitution of the United States. 09:38</p> <p style="text-align: right;">Page 31</p>	<p>1 regarding a potential acquisition of Otto? 09:39 2 MS. RAY: I instruct you not to answer on the 09:39 3 basis of attorney-client privilege. 09:39 4 MR. PERLSON: Again, I don't think that's a 09:39 5 proper instruction. 09:39 6 Q But, do you want to -- are you following 09:39 7 Uber's advice or instruction? 09:39 8 MR. EHRLICH: Let me look at the question. 09:39 9 I'm sorry. 09:39 10 THE VIDEOGRAPHER: Just cover your mic. 09:40 11 (Soto-voce discussion.) 09:40 12 MR. EHRLICH: Okay. I'm going to accept that 09:40 13 instruction and -- and advise you to follow it and 09:40 14 decline to answer. 09:40 15 THE WITNESS: I'm going to follow the advice. 09:40 16 MR. PERLSON: Q. What common interest did 09:40 17 Otto have with Uber regarding an acquisition by 09:40 18 Otto -- let me start over again. 09:40 19 What -- what common interest did Otto have 09:40 20 with Uber regarding a potential acquisition of Otto? 09:40 21 MS. RAY: I instruct you not to answer on the 09:40 22 basis of attorney-client privilege and common interest 09:40 23 privilege. 09:40 24 MR. EHRLICH: And same instruction from me to 09:40 25 follow that advice. 09:40</p> <p style="text-align: right;">Page 33</p>

1 THE WITNESS: Okay. I will follow that 09:40	1 MR. PERLSON: Do you want to go off the
2 advice. 09:40	2 record?
3 MR. PERLSON: Q. Did you anticipate 09:41	3 THE WITNESS: Yeah, why don't we do that.
4 litigation regarding a potential acquisition of Otto 09:41	4 THE VIDEOGRAPHER: Going off the record. The
5 in as early as January 29, 2016? 09:41	5 time is 9:44.
6 A On the advice and direction of my counsel, I 09:41	6 (Recess taken.) 09:52
7 respectfully decline to answer. And I assert the 09:41	7 THE VIDEOGRAPHER: We are back on the record. 09:52
8 rights guaranteed to me under the Fifth Amendment of 09:41	8 The time is 9:53. 09:53
9 the Constitution of the United States. 09:41	9 MR. PERLSON: Q. Are you going to follow 09:53
10 Q Did Otto anticipate litigation regarding a 09:41	10 your counsel's instruction? 09:53
11 potential acquisition of Otto as early as January 29, 09:41	11 THE WITNESS: Do we have any question? 09:53
12 2016? 09:42	12 MR. EHRLICH: Let me -- let me go back. 09:53
13 A On the advice and direction of my counsel, I 09:42	13 MS. RAY: I instructed him not to answer. 09:53
14 respectfully decline to answer. And I assert the 09:42	14 MR. EHRLICH: Okay. Ms. Ray instructed him 09:53
15 rights guaranteed to me under the Fifth Amendment of 09:42	15 not to answer. 09:53
16 the Constitution of the United States. 09:42	16 And I will now instruct you to follow that 09:53
17 Q When did Otto first anticipate litigation 09:42	17 instruction from Ms. Ray on the basis of 09:53
18 regarding a potential acquisition of Otto? 09:42	18 attorney-client privilege. 09:53
19 A On the advice and direction of my counsel, I 09:42	19 THE WITNESS: I'll follow that instruction. 09:53
20 respectfully decline to answer. And I assert the 09:42	20 MR. PERLSON: Q. Isn't it correct that the 09:53
21 rights guaranteed to me under the Fifth Amendment of 09:42	21 common interest that Otto and Uber had in anticipation 09:54
22 the Constitution of the United States. 09:42	22 of litigation regarding the Otto acquisition was 09:54
23 Q When did Uber first anticipate litigation 09:42	23 exploiting the confidential information you had 09:54
24 regarding a potential acquisition of Otto? 09:42	24 taken -- in the 14,000 documents you had taken from 09:54
25 MS. RAY: Objection; calls for speculation. 09:42	25 Google? 09:54
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1 MR. EHRLICH: You can answer. 09:42	1 MS. RAY: Objection; form. 09:54
2 THE WITNESS: Okay. 09:42	2 I instruct you not to answer on the basis of 09:54
3 On the advice and direction of my counsel, I 09:42	3 attorney-client and common interest privilege. 09:54
4 respectfully decline to answer. And I assert the 09:42	4 MR. EHRLICH: And the same instruction from 09:54
5 rights guaranteed to me under the Fifth Amendment of 09:42	5 me to follow that instruction. 09:54
6 the Constitution of the United States. 09:42	6 THE WITNESS: I will follow that instruction. 09:54
7 MR. PERLSON: Q. When did Uber first tell 09:42	7 MR. PERLSON: Q. Your common interest with 09:54
8 you they anticipated litigation regarding a potential 09:42	8 Uber began while you were still employed at Google; 09:54
9 acquisition of Otto? 09:42	9 correct? 09:54
10 A On the advice and direction of my counsel, I 09:42	10 MS. RAY: Objection; form. 09:54
11 respectfully decline to answer. And I assert the 09:42	11 MR. EHRLICH: And -- and by "form," Counsel, 09:54
12 rights guaranteed to me under the Fifth Amendment of 09:42	12 do you mean attorney-client privilege? 09:54
13 the Constitution of the United States. 09:43	13 MS. RAY: No. I mean that it's a legal 09:55
14 Q Isn't it correct that the common interest 09:43	14 conclusion what common interest is. I don't think he 09:55
15 that Otto and Uber had, in anticipation of litigation 09:43	15 knows what that is. So, it's speculation. 09:55
16 regarding the Otto acquisition was concealing the fact 09:43	16 MR. EHRLICH: Okay. So, you can answer. 09:55
17 that you had taken 14,000 confidential documents from 09:43	17 THE WITNESS: On -- on the advice and 09:55
18 Google? 09:43	18 direction of my counsel, I respectfully decline to 09:55
19 A On the advice and -- 09:43	19 answer. And I assert the rights guaranteed to me 09:55
20 MS. RAY: Objection; form. 09:43	20 under the Fifth Amendment of the Constitution of the 09:55
21 MR. EHRLICH: You can go ahead and answer. 09:43	21 United States. 09:55
22 MS. RAY: Hold on. 09:43	22 MR. PERLSON: Q. Otto's common interest with 09:55
23 I instruct you not to answer on the basis of 09:43	23 Uber began while you were still employed at Google? 09:55
24 attorney-client privilege. 09:43	24 MS. RAY: Objection; form. 09:55
25 MR. EHRLICH: One second.	25 THE WITNESS: On the advice and direction of 09:55
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1 my counsel, I respectfully decline to answer. And I 09:55	1 look at your question. 09:57
2 assert the rights guaranteed to me under the Fifth 09:55	2 MR. PERLSON: Take -- take the time you need. 09:57
3 Amendment of the Constitution of the United States. 09:55	3 MS. RAY: So, you have asked the witness a 09:57
4 MR. PERLSON: Q. Otto's common interest with 09:55	4 question about the common interest; right? You're 09:57
5 Uber was to prevent the detection of your scheme to 09:55	5 saying -- 09:57
6 funnel Waymo's technology to Uber via Otto? 09:55	6 MR. PERLSON: You -- you made the 09:57
7 MS. RAY: Objection to form. 09:55	7 instruction. 09:57
8 I instruct you not to answer on the basis of 09:55	8 MS. RAY: I understand. 09:57
9 attorney-client and common interest privilege. 09:55	9 MR. PERLSON: You need to know what it is. 09:57
10 MR. EHRLICH: And I'll advise you to follow 09:56	10 If you -- if we want to stop, get off the 09:57
11 that instruction from Counsel. 09:56	11 record, so you can figure out why you made your 09:57
12 MR. PERLSON: And whose -- who are the -- 09:56	12 attorney-client privilege instruction, then you can do 09:57
13 what common interest are you asserting then? Between 09:56	13 that. 09:57
14 who is it with? 09:56	14 But, I would suspect that, when you made the 09:57
15 And who is the attorney and the client in 09:56	15 instruction, that you know -- 09:57
16 your instruction? 09:56	16 MS. RAY: I do know. 09:57
17 MS. RAY: Your question is about Otto's 09:56	17 MR. PERLSON: -- the answer to the question. 09:57
18 interests with Uber. And so, at the time, I believe 09:56	18 So answer me, please. 09:57
19 Otto's attorneys were O'Melveny & Myers, and Uber's 09:56	19 MS. RAY: I'm happy to answer you. 09:57
20 counsel was Morrison & Foerster. And you're making an 09:56	20 MR. PERLSON: Okay. 09:57
21 assertion about the common interest, so we wouldn't 09:56	21 MS. RAY: You want to be taught. 09:57
22 agree with that. 09:56	22 MR. PERLSON: Go. 09:57
23 MR. PERLSON: Well, that's not a basis for an 09:56	23 MS. RAY: You were asking him about what the 09:58
24 attorney-client privilege instruction, so -- 09:56	24 common interest is. The only way he would know that 09:58
25 MS. RAY: You're asking him what the interest 09:56	25 is from an attorney discussion. And so, that is 09:58
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1 is. And one, he doesn't know because he doesn't -- 09:56	1 attorney-client privilege, and I'm not going to let 09:58
2 he's not a lawyer. He doesn't -- 09:56	2 him answer the question. 09:58
3 MR. PERLSON: Hey, hey, enough of the 09:56	3 MR. PERLSON: Who is the attorney? Who is 09:58
4 coaching. 09:56	4 the client? 09:58
5 MS. RAY: I'm not coaching. 09:56	5 MS. RAY: I already identified that to you. 09:58
6 MR. PERLSON: If you want to make an -- an -- 09:56	6 MR. PERLSON: When? In this question -- 09:58
7 I am -- I am asking a very specific question. 09:57	7 MS. RAY: Do you want me to ask the reporter 09:58
8 MS. RAY: You asked me a question -- 09:57	8 to read it back? I'm happy to repeat it. 09:58
9 MR. PERLSON: You instructed him not to 09:57	9 Otto's attorneys were O'Melveny & Myers, and 09:58
10 answer on the basis of attorney-client privilege. You 09:57	10 Uber's counsel was Morrison & Foerster. Those are the 09:58
11 don't need to get into speculation or anything about 09:57	11 attorneys. 09:58
12 that. 09:57	12 MR. PERLSON: Okay. And what's the common 09:58
13 Answer my question: What is the common 09:57	13 interest, and who is it between? 09:58
14 interest you're identifying? And who are the 09:57	14 MS. RAY: The common interest was between 09:58
15 attorneys? And who is the client? 09:57	15 Otto and Uber, at least as to your question, and it 09:58
16 MS. RAY: I'm not being deposed here. We can 09:57	16 was in anticipation of litigation. 09:58
17 discuss that at -- 09:57	17 Also, I just want to note that the record 09:58
18 MR. PERLSON: Are you refusing to provide 09:57	18 says on here -- on here that I am coaching. But I 09:58
19 this information now? This is a very serious issue, 09:57	19 meant to say, if I didn't say it correctly, I am not 09:59
20 and I need an answer. 09:57	20 coaching. 09:59
21 MS. RAY: We can go -- if you want, we can go 09:57	21 MR. PERLSON: Q. Isn't it correct that the 09:59
22 off the record. 09:57	22 common interest that Otto and Uber had in -- in 09:59
23 MR. PERLSON: No. I want you to put this on 09:57	23 anticipation of litigation, regarding the Otto 09:59
24 the record. 09:57	24 acquisition, was exploiting the confidential 09:59
25 MS. RAY: All right. Well, I need to take a 09:57	25 information you had taken in the 14,000 documents you 09:59
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1 had -- that's not the question. Let's start over 09:59	1 MR. EHRLICH: I advise you to follow that 10:02
2 again. 09:59	2 instruction. 10:02
3 Isn't it correct that, before you left 09:59	3 THE WITNESS: I will follow that instruction. 10:02
4 Google, there was a common interest between Otto and 09:59	4 MR. PERLSON: Q. As part of the due 10:02
5 Uber to prevent the detection of your scheme to funnel 09:59	5 diligence report that was done in connection with the 10:02
6 Waymo's technology to Uber via Otto? 09:59	6 Otto acquisition, someone examined all of the computer 10:02
7 MS. RAY: Objection; form. 10:00	7 systems at Otto for Google con- -- confidential 10:02
8 MR. EHRLICH: And -- and, Ms. Ray, is there 10:00	8 information; correct? 10:02
9 an objection based on attorney-client privilege or 10:00	9 MS. RAY: I instruct you not to answer on the 10:02
10 joint -- or common interest privilege? 10:00	10 basis of attorney-client and common interest 10:03
11 MS. RAY: I instruct you not to answer on the 10:00	11 privilege. 10:03
12 basis of attorney-client or common interest privilege. 10:00	12 MR. PERLSON: Q. As part of the due 10:03
13 MR. EHRLICH: So -- so I would ask you to 10:00	13 diligence report, in connection with the Otto 10:03
14 follow that instruction and decline to answer. 10:00	14 acquisition, someone examined all the computer systems 10:03
15 MR. PERLSON: And that's based on the same 10:00	15 at Otto for the 14,000 documents you had taken from 10:03
16 common interest and the same attorneys that you had 10:00	16 Google? 10:03
17 noted in reference to the last question; correct? 10:00	17 MS. RAY: Same instruction. 10:03
18 MS. RAY: Yes, sir. I'm not agreeing to your 10:00	18 MR. PERLSON: Q. Are you following that 10:03
19 timing or characterization. 10:00	19 instruction? 10:03
20 MR. PERLSON: I'm just asking you the basis 10:00	20 A (Witness nods head.) 10:03
21 of the instruction. 10:00	21 Q "Yes"? 10:03
22 MS. RAY: The basis of the instruction is 10:00	22 A Yes. I'm sorry. No gestures. 10:03
23 that the only way he knows about the common interest 10:00	23 But you didn't let me answer the last one, 10:03
24 is because of attorney-client privileged discussions. 10:00	24 so -- 10:03
25 MR. PERLSON: I just want the record to be 10:01	25 MR. EHRLICH: Go ahead. You're following 10:03
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1 very clear that the attorney-clients -- the attorney 10:01	1 that instruction? 10:03
2 and the client and the common interest that you are 10:01	2 THE WITNESS: I'm following that instruction. 10:03
3 basing your instruction on, is the same one that you 10:01	3 MR. PERLSON: Thank you. 10:03
4 had based your instruction on in the current -- in the 10:01	4 Q As part of the due diligence report in 10:03
5 previous question. 10:01	5 connection with the Otto acquisition, it was 10:03
6 MS. RAY: Correct, without buying into your 10:01	6 determined that the 14,000 files that you had taken 10:03
7 presumption about the timing. 10:01	7 from Google did exist on Otto's servers; correct? 10:04
8 THE REPORTER: Excuse me, Counsel. You're 10:01	8 MS. RAY: Same -- same instruction. 10:04
9 not mic'ed, so if you can try to keep your hand away. 10:01	9 MR. EHRLICH: And same instruction from me. 10:04
10 MS. RAY: Oh, sure. I'm sorry. 10:01	10 THE WITNESS: And I'm following. 10:04
11 MR. PERLSON: Q. At the time Uber acquired 10:01	11 MR. PERLSON: Q. As part of the due 10:04
12 Otto, Uber had a due diligence report done in 10:01	12 diligence report in connection with the Otto 10:04
13 connection with that acquisition; correct? 10:01	13 acquisition, it was determined that the 14,000 files 10:04
14 A On the advice and direction of my counsel, I 10:02	14 that had been taken by you from Google should be 10:04
15 respectfully decline to answer. And I assert the 10:02	15 deleted from Otto's servers; correct? 10:04
16 rights guaranteed to me under the Fifth Amendment of 10:02	16 MS. RAY: Same instruction. 10:04
17 the Constitution of the United States. 10:02	17 MR. EHRLICH: Same instruction, as well, from 10:04
18 Q The purpose of the due diligence report done 10:02	18 me. 10:04
19 before the -- Uber's acquisition of Otto was to 10:02	19 THE WITNESS: I will follow. 10:04
20 determine the potential exposure for your theft of 10:02	20 MR. PERLSON: Q. If Uber had a third-party 10:04
21 confidential information from Google? 10:02	21 report done in connection with the Otto acquisition, 10:05
22 MR. EHRLICH: Hold on. 10:02	22 and got a clean bill of health on Otto, why wouldn't 10:05
23 MS. RAY: I instruct you not to answer on the 10:02	23 Uber share that with Waymo? 10:05
24 basis of attorney-client and common interest 10:02	24 MS. RAY: Objection; form. 10:05
25 privilege. 10:02	25 Hold on. 10:05
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1	Go ahead.	10:05	1	The time is 10:07.	10:07
2	MR. EHRLICH: I'm looking -- so, there is	10:05	2	MR. PERLSON: Q. There would be no reason	10:07
3	an -- there is an objection on form. I'm not hearing	10:05	3	for you to withhold exculpatory evidence regarding the	10:08
4	an objection based on attorney-client or joint defense	10:05	4	14,000 files you took from Google; correct?	10:08
5	privilege.	10:05	5	A On the advice and direction of my counsel, I	10:08
6	So, you can answer.	10:05	6	respectfully decline to answer. And I assert the	10:08
7	THE WITNESS: On the advice and direction of	10:05	7	rights guaranteed to me under the Fifth Amendment of	10:08
8	my counsel, I respectfully decline to answer. And I	10:05	8	the Constitution of the United States.	10:08
9	assert the rights guaranteed to me under the Fifth	10:05	9	Q When did you first suspect that your conduct	10:08
10	Amendment of the Constitution of the United States.	10:05	10	at Google might become the subject of litigation?	10:08
11	MR. PERLSON: Q. If Uber had a third-party	10:05	11	A On the advice and direction of my counsel, I	10:08
12	report done in connection with the Otto acquisition	10:06	12	respectfully decline to answer. And I assert the	10:08
13	and got a clean bill of health on Otto, why wouldn't	10:06	13	rights guaranteed to me under the Fifth Amendment of	10:08
14	Uber share that with the Court?	10:06	14	the Constitution of the United States.	10:08
15	MS. RAY: Objection; form.	10:06	15	Q Did you ever suspect that your operation	10:08
16	THE VIDEOGRAPHER: Excuse me. Can you use	10:06	16	of -- let me start over again.	10:09
17	this?	10:06	17	Did you ever suspect that your discussions	10:09
18	MS. RAY: Sure.	10:06	18	with Uber between 2015 and 2016, while you were a	10:09
19	THE VIDEOGRAPHER: Is it going to reach?	10:06	19	Google employee, would become the subject of	10:09
20	MS. RAY: You know what, can we just move	10:06	20	litigation?	10:09
21	that?	10:06	21	MS. RAY: Objection; form.	10:09
22	MR. EHRLICH: I'm going to instruct you to	10:06	22	MR. EHRLICH: Go ahead.	10:09
23	answer.	10:06	23	THE WITNESS: On the advice and direction of	10:09
24	THE WITNESS: On the advice and direction of	10:06	24	my counsel, I respectfully decline to answer. And I	10:09
25	my counsel, I respectfully decline to answer. And I	10:06	25	assert the rights guaranteed to me under the Fifth	10:09
Page 46			Page 48		
1	assert the rights guaranteed to me under the Fifth	10:06	1	Amendment of the Constitution of the United States.	10:09
2	Amendment of the Constitution of the United States.	10:06	2	MR. PERLSON: Q. Did you ever suspect that	10:09
3	MR. PERLSON: Q. It would be in Uber's	10:06	3	your formation of -- of a company, that eventually	10:09
4	interests to provide exculpatory evidence regarding	10:06	4	became Otto in late 2015, while you were still a	10:09
5	the 14,000 files you took from Google; correct?	10:06	5	Google employee, would become the subject of	10:09
6	MS. RAY: Objection; form.	10:07	6	litigation?	10:09
7	MR. EHRLICH: You can answer.	10:07	7	A On the advice and direction of my counsel, I	10:09
8	THE WITNESS: On the advice and direction of	10:07	8	respectfully decline to answer. And I assert the	10:09
9	my counsel, I respectfully decline to answer. And I	10:07	9	rights guaranteed to me under the Fifth Amendment of	10:09
10	assert the rights guaranteed to me under the Fifth	10:07	10	the Constitution of the United States.	10:10
11	Amendment of the Constitution of the United States.	10:07	11	Q Have you ever destroyed any documents related	10:10
12	MR. PERLSON: Q. It would be in your	10:07	12	to this litigation?	10:10
13	interests to provide exculpatory evidence regarding	10:07	13	A On the advice and direction of my counsel, I	10:10
14	the 14,000 files you took from Google; correct?	10:07	14	respectfully decline to answer. And I assert the	10:10
15	A On the advice and direction of my counsel, I	10:07	15	rights guaranteed to me under the Fifth Amendment of	10:10
16	respectfully decline to answer. And I assert the	10:07	16	the Constitution of the United States.	10:10
17	rights guaranteed to me under the Fifth Amendment of	10:07	17	Q Have you ever deleted any documents related	10:10
18	the Constitution of the United States.	10:07	18	to this litigation?	10:10
19	THE VIDEOGRAPHER: Excuse me. I'd like to go	10:07	19	A On the advice and direction of my counsel, I	10:10
20	off the record for one moment.	10:07	20	respectfully decline to answer. And I assert the	10:10
21	MR. PERLSON: Sure.	10:07	21	rights guaranteed to me under the Fifth Amendment of	10:10
22	THE VIDEOGRAPHER: Going off the record. The	10:07	22	the Constitution of the United States.	10:10
23	time is 10:07.	10:07	23	Q Has Otto deleted any documents related to	10:10
24	(Recess taken.)	10:07	24	this litigation?	10:10
25	THE VIDEOGRAPHER: We are back on the record.	10:07	25	A On the advice and direction of my counsel, I	10:10
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<p>1 respectfully decline to answer. And I assert the 10:10  2 rights guaranteed to me under the Fifth Amendment of 10:10  3 the Constitution of the United States. 10:10  4 Q Have you deleted any documents reflecting 10:10  5 your relationship to Odin Wave or Tyto Lidar at any 10:10  6 time in which you had anticipated litigation? 10:10  7 A On the advice and direction of my counsel, I 10:10  8 respectfully decline to answer. And I assert the 10:10  9 rights guaranteed to me under the Fifth Amendment of 10:10  10 the Constitution of the United States. 10:11  11 Q Have you ever destroyed or permanently 10:11  12 deleted any documents relating to this litigation when 10:11  13 litiga- -- during the time in which litigation was 10:11  14 anticipated, regarding the Otto acquisition? 10:11  15 A On the advice and direction of my counsel, I 10:11  16 respectfully decline to answer. And I assert the 10:11  17 rights guaranteed to me under the Fifth Amendment of 10:11  18 the Constitution of the United States. 10:11  19 Q Have you deleted any communications with 10:11  20 former Google employees instructing them to take 10:11  21 confidential information from Google? 10:11  22 A On the advice and direction of my counsel, I 10:11  23 respectfully decline to answer. And I assert the 10:11  24 rights guaranteed to me under the Fifth Amendment of 10:11  25 the Constitution of the United States. 10:12  Page 50</p>	<p>1 the United States. 10:13  2 Q To this day, Uber continues to use 10:13  3 confidential information downloaded onto that laptop 10:13  4 computer; correct? 10:13  5 A On the advice and direction of my counsel, I 10:13  6 respectfully decline to answer. And I assert the 10:13  7 rights guaranteed to me under the Fifth Amendment of 10:13  8 the Constitution of the United States. 10:13  9 Q Is there any wall at Uber from your work on 10:13  10 LiDar technology? 10:14  11 A What's a wall? 10:14  12 Q Is -- are -- 10:14  13 MR. EHRLICH: Do you want to clarify? 10:14  14 MR. PERLSON: Yeah, sure. 10:14  15 Q The -- is -- is there any policy at Uber that 10:14  16 you are not allowed to work on LiDar technology? 10:14  17 A On the advice and direction of my counsel, I 10:14  18 respectfully decline to answer. And I assert the 10:14  19 rights guaranteed to me under the Fifth Amendment of 10:14  20 the Constitution of the United States. 10:14  21 Q Isn't it true that, since you have been 10:14  22 working at Uber, you have done work regarding LiDar 10:14  23 technology? 10:14  24 A On the advice and direction of my counsel, I 10:14  25 respectfully decline to answer. And I assert the 10:14  Page 52</p>
<p>1 Q While you were at Google, you were issued a 10:12  2 laptop computer that ran the Windows operating system; 10:12  3 correct? 10:12  4 A On the advice and direction of my counsel, I 10:12  5 respectfully decline to answer. And I assert the 10:12  6 rights guaranteed to me under the Fifth Amendment of 10:12  7 the Constitution of the United States. 10:12  8 Q Before you left Google, you downloaded 10:12  9 documents onto that laptop computer for use when you 10:12  10 left Google; correct? 10:12  11 A On the advice and direction of my counsel, I 10:12  12 respectfully decline to answer. And I assert the 10:12  13 rights guaranteed to me under the Fifth Amendment of 10:12  14 the Constitution of the United States. 10:12  15 Q Before you left Google, you downloaded 10:12  16 documents onto that laptop for use at Otto; correct? 10:12  17 A On the advice and direction of my counsel, I 10:13  18 respectfully decline to answer. And I assert the 10:13  19 rights guaranteed to me under the Fifth Amendment of 10:13  20 the Constitution of the United States. 10:13  21 Q Before you left Google, you downloaded 10:13  22 documents onto that laptop for use at Uber; correct? 10:13  23 A On the advice of my counsel, I respectfully 10:13  24 decline to answer. And I assert the rights guaranteed 10:13  25 to me under the Fifth Amendment of the Constitution of 10:13  Page 51</p>	<p>1 rights guaranteed to me under the Fifth Amendment of 10:14  2 the Constitution of the United States. 10:14  3 Q Isn't it true that, during your work at Uber, 10:14  4 you have contributed to the design and development of 10:15  5 LiDar technology? 10:15  6 A On the advice and direction of my -- excuse 10:15  7 me. 10:15  8 On the advice and direction of counsel -- of 10:15  9 my counsel, I respectfully decline to answer. And I 10:15  10 assert the rights guaranteed to me under the Fifth 10:15  11 Amendment of the Constitution of the United States 10:15  12 Q Isn't it true that, during your work at Uber, 10:15  13 you have contributed to the design and development of 10:15  14 LiDar technology using confidential information in the 10:15  15 14,000 documents that you took from Google before you 10:15  16 left Google? 10:15  17 A On the advice and direction of my counsel, I 10:15  18 respectfully decline to answer. And I assert the 10:15  19 rights guaranteed to me under the Fifth Amendment of 10:15  20 the Constitution of the United States. 10:15  21 Q Isn't it true that, even today, you continue 10:15  22 to use the confidential information in 10:15  23 14,000 documents you took from Google in your 10:15  24 contributions to the design and development of LiDar 10:16  25 technology at Uber? 10:16  Page 53</p>

1 A On the advice and direction of my counsel, I 10:16	1 2015? 10:18
2 respectfully decline to answer. And I assert the 10:16	2 A On the advice and direction of my counsel, I 10:18
3 rights guaranteed to me under the Fifth Amendment of 10:16	3 respectfully decline to answer. And I assert the 10:18
4 the Constitution of the United States. 10:16	4 rights guaranteed to me under the Fifth Amendment of 10:18
5 Q Between March 2nd, 2015, and March 25th, 10:16	5 the Constitution of the United States. 10:19
6 2015, your Google-issued laptop did not perform 10:16	6 Q You caused your Google-issued laptop to 10:19
7 regular check-ins to Google's network; correct? 10:16	7 access the corporate -- the Google corporate network 10:19
8 MS. RAY: Objection; form. 10:16	8 for unauthorized purposes on November 25th, 2015 -- 10:19
9 MR. EHRLICH: Let me read the question. 10:16	9 A Is that a question? 10:19
10 You can answer. 10:16	10 Q -- correct? 10:19
11 THE WITNESS: On the advice and direction of 10:16	11 A Okay. 10:19
12 my counsel, I respectfully decline to answer. And I 10:16	12 On the advice and direction of my counsel, I 10:19
13 assert the rights guaranteed to me under the Fifth 10:16	13 respectfully decline to answer. And I assert the 10:19
14 Amendment of the Constitution of the United States. 10:16	14 rights guaranteed to me under the Fifth Amendment of 10:19
15 MR. PERLSON: Q. Between March 2nd and 10:16	15 the Constitution of the United States. 10:19
16 2 -- 2 -- between March 2nd, 2015, and November 25th, 10:17	16 Q On -- on November 26th, 2015, you then 10:19
17 2015, the network interfaces of your Google-issued 10:17	17 reinstalled the Windows operating system on your 10:19
18 laptop made only three appearances on Google's 10:17	18 Google-issued laptop; correct? 10:19
19 corporate logs? 10:17	19 A On the advice and direction of my counsel, I 10:19
20 MS. RAY: Objection; form. 10:17	20 respectfully decline to answer. And I assert the 10:19
21 THE WITNESS: Is there a question? 10:17	21 rights guaranteed to me under the Fifth Amendment of 10:19
22 MR. EHRLICH: Did -- did you hear the 10:17	22 the Constitution of the United States. 10:19
23 question? 10:17	23 Q You reinstalled the Windows operating system 10:19
24 MR. PERLSON: I'll -- let me just ask it 10:17	24 on November 26, 2015, in an effort to conceal the fact 10:20
25 again. 10:17	25 that you had been accessing Google's corporate 10:20
Page 54	Page 56
1 MR. EHRLICH: Okay. 10:17	1 network; correct? 10:20
2 MR. PERLSON: Q. Do you have any reason to 10:17	2 A On the advice and direction of my counsel, I 10:20
3 dispute that, between March 15th -- let me start over 10:17	3 respectfully decline to answer. And I assert the 10:20
4 again. 10:17	4 rights guaranteed to me under the Fifth Amendment of 10:20
5 Between -- scratch that. 10:17	5 the Constitution of the United States. 10:20
6 Do you have any reason to -- to dispute that 10:17	6 Q On December 3rd, 2015, you ran keyword 10:20
7 between March 2nd, 2015, and November 25th, 2015, that 10:17	7 searches across the Google network from your 10:20
8 the network interfaces of your Google-issued laptop 10:17	8 Google-issued laptop; correct? 10:20
9 made only three appearances on Goo- -- Google's 10:17	9 A On the advice and direction of my counsel, I 10:20
10 corporate network log? 10:18	10 respectfully decline to answer. And I assert the 10:20
11 A On the advice and direction of my counsel, I 10:18	11 rights guaranteed to me under the Fifth Amendment of 10:20
12 respectfully decline to answer. And I assert the 10:18	12 the Constitution of the United States. 10:20
13 rights guaranteed to me under the Fifth Amendment of 10:18	13 Q On December 3rd, 2015, you ran a search for 10:20
14 the Constitution of the United States. 10:18	14 the strings CHAUFFEUR SVN LOGIN; correct? 10:20
15 Q You caused your Google-issued laptop to 10:18	15 A On the advice and direction of my counsel, I 10:20
16 access Goo- -- the Google corporate network for 10:18	16 respectfully decline to answer. And I assert the 10:20
17 unauthorized purposes for approximately two hours on 10:18	17 rights guaranteed to me under the Fifth Amendment of 10:20
18 October 22nd, 2015? 10:18	18 the Constitution of the United States. 10:20
19 A On the direction of my counsel, I 10:18	19 Q On December 3rd, 2015, you ran a search for 10:20
20 respectfully decline to answer. And I assert the 10:18	20 the string CHAUFFEUR SVN EEE SETUP; correct? 10:21
21 rights guaranteed to me under the Fifth Amendment of 10:18	21 MR. EHRLICH: EEE SETUP? 10:21
22 the Constitution of the United States. 10:18	22 MR. PERLSON: Yeah. 10:21
23 Q You caused your Google-issued laptop to 10:18	23 THE WITNESS: On the advice and direction of 10:21
24 access the Google corporate network for unauthorized 10:18	24 my counsel, I respectfully decline to answer. And I 10:21
25 purposes for approximately two hours on November 20th, 10:18	25 assert -- 10:21
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1 MR. PERLSON: On December -- 10:21	1 Q On December 11, 2015, you downloaded software 10:36
2 THE WITNESS: -- the rights guaranteed to -- 10:21	2 to your Google-issued laptop that would allow you to 10:36
3 MR. EHRLICH: Go ahead and finish. 10:21	3 access files on the SVN repository; correct? 10:36
4 THE WITNESS: Yeah. 10:21	4 A On the advice and direction of my counsel, I 10:36
5 And I assert the rights guaranteed to me 10:21	5 respectfully decline to answer. And I assert the 10:36
6 under the Fifth Amendment of the Constitution of the 10:21	6 rights guaranteed to me under the Fifth Amendment of 10:36
7 United States. 10:21	7 the Constitution of the United States. 10:36
8 THE VIDEOGRAPHER: I need to take a break. 10:21	8 Q On December 11, 2015, you downloaded software 10:36
9 MR. PERLSON: Okay. You need to take a 10:21	9 called Tortoise SVN; correct? 10:36
10 break? 10:21	10 A On the advice and direction of my counsel, I 10:37
11 THE VIDEOGRAPHER: Going off the record. The 10:21	11 respectfully decline to answer. And I assert the 10:37
12 time is 10:21. 10:21	12 rights guaranteed to me under the Fifth Amendment of 10:37
13 (Recess taken.) 10:21	13 the Constitution of the United States. 10:37
14 THE VIDEOGRAPHER: This marks the beginning 10:25	14 Q On December 11th, 2015, after you downloaded 10:37
15 of DVD No. 2 in the deposition of Anthony Levandowski. 10:34	15 Tortoise SVN, you then downloaded approximately 10:37
16 We are going back on the record. The time is 10:34	16 14,000 files from the SVN repository; correct? 10:37
17 10:34. 10:34	17 A On the advice and direction of my counsel, I 10:37
18 MR. PERLSON: Q. The searches that you ran 10:34	18 respectfully decline to answer. And I assert the 10:37
19 on December 3rd, 2015, were run to locate files 10:35	19 rights guaranteed to me under the Fifth Amendment of 10:37
20 relating to Google's self-driving car project at that 10:35	20 the Constitution of the United States. 10:37
21 time; correct? 10:35	21 Q The files you downloaded from the SVN 10:37
22 A On the advice and direction of my counsel, I 10:35	22 repository on December 11, 2015, totaled 9.7 gigabytes 10:37
23 respectfully decline to answer. And I assert the 10:35	23 of data; correct? 10:37
24 rights guaranteed to me under the Fifth Amendment of 10:35	24 A On the advice and direction of my counsel, I 10:37
25 the Constitution of the United States. 10:35	25 respectfully decline to answer. And I assert the 10:37
Page 58	Page 60
1 Q SVN is the name of the document repository 10:35	1 rights guaranteed to me under the Fifth Amendment of 10:37
2 containing Waymo's design files, schematics, and other 10:35	2 the Constitution of the United States. 10:37
3 confidential information relating to the self-driving 10:35	3 Q The files downloaded from the SVN repository 10:37
4 car project; correct? 10:35	4 on December 11, 2015, included approximately 10:37
5 A On the advice and direction of my counsel, I 10:35	5 2 gigabytes of data from LiDar subdirectories; 10:37
6 respectfully decline to answer. And I assert the 10:35	6 correct? 10:38
7 rights guaranteed to me under the Fifth Amendment 10:35	7 A On the advice and direction of my counsel, I 10:39
8 rights -- under the Fifth Amendment of the 10:35	8 respectfully decline to answer. And I assert the 10:39
9 Constitution of the United States. 10:35	9 rights guaranteed to me under the Fifth Amendment of 10:39
10 Q The searches you ran across the Google 10:35	10 the Constitution of the United States. 10:39
11 network on December 3rd, 2013, were not related to any 10:35	11 Q The approximately 14,000 files you downloaded 10:38
12 legitimate duties you were performing for Google at 10:36	12 from Google's SVN repository on December 11, 2015, was 10:38
13 that time? 10:36	13 not related to any legitimate work by you in your role 10:38
14 A On the advice and direction of my counsel, I 10:36	14 as a Google Waymo employee; correct? 10:38
15 respectfully disagree -- I respectfully decline to 10:36	15 A On the advice and direction of my counsel, I 10:38
16 answer. And I assert the rights guaranteed to me 10:36	16 respectfully decline to answer. And I assert the 10:38
17 under the Fifth Amendment of the Constitution of the 10:36	17 rights guaranteed to me under the Fifth Amendment of 10:38
18 United States. 10:36	18 the Constitution of the United States. 10:38
19 Q The searches you ran across the Google 10:36	19 Q You downloaded approximately 14,000 files 10:38
20 network on December 3rd, 2015, were made without 10:36	20 from Google's SVN repository without authorization 10:38
21 authorization from Google; correct? 10:36	21 from Google; correct? 10:38
22 A On the advice and direction of my counsel, I 10:36	22 A On the advice and direction of my counsel, I 10:38
23 respectfully decline to answer. And I assert the 10:36	23 respectfully decline to answer. And I assert the 10:38
24 rights guaranteed to me under the Fifth Amendment of 10:36	24 rights guaranteed to me under the Fifth Amendment of 10:38
25 the Constitution of the United States. 10:36	25 the Constitution of the United States. 10:38
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<p>1 Q On December 11th, 2015, you downloaded 10:38 2 approximately 14,000 files from Google's SVN 10:38 3 repository so that you could use them for the new 10:38 4 company you were founding; correct? 10:39 5 A On the advice and direction of my counsel, I 10:39 6 respectfully decline to answer. And I assert the 10:39 7 rights guaranteed to me under the Fifth Amendment of 10:39 8 the Constitution of the United States. 10:39 9 Q You downloaded approximately 14,000 files on 10:39 10 December 11, 2015, from Google's SVN repository so 10:39 11 that you could use them to compete with Google; 10:39 12 correct? 10:39 13 A On the advice and direction of my counsel, I 10:39 14 respectfully decline to answer. And I assert the 10:39 15 rights guaranteed to me under the Fifth Amendment of 10:39 16 the Constitution of the United States. 10:39 17 Q On December 14, 2015, you attached to your 10:39 18 Google-issued laptop a Transcend RDF 45 USB 3.0 Card 10:39 19 Reader; correct? 10:39 20 A On the advice and direction of my counsel, I 10:40 21 respectfully decline to answer. And I assert the 10:40 22 rights guaranteed to me under the Fifth Amendment of 10:40 23 the Constitution of the United States. 10:40 24 Q On December 14, 2015, you attached an 10:40 25 external storage device to your Google-issued laptop 10:40 Page 62</p>	<p>1 A On the advice and direction of my counsel, I 10:41 2 respectfully decline to answer. And I assert the 10:41 3 rights guaranteed to me under the Fifth Amendment of 10:41 4 the Constitution of the United States. 10:41 5 Q On December 14, 2015, you copied 10:41 6 approximately 14,000 confidential Google files to an 10:41 7 external storage device so that you could use them to 10:41 8 compete with Google; correct? 10:41 9 A On the advice and direction of my counsel, I 10:41 10 respectfully decline to answer. And I assert the 10:41 11 rights guaranteed to me under the Fifth Amendment of 10:41 12 the Constitution of the United States. 10:41 13 Q On December 18, 2015, you reformatted the 10:41 14 Windows operating system on your Google-issued laptop 10:41 15 to a Linux operating system; correct? 10:41 16 A On the advice and direction of my counsel, I 10:41 17 respectfully decline to answer. And I assert the 10:41 18 rights guaranteed to me under the Fifth Amendment of 10:41 19 the Uni- -- of the Constitution of the United States. 10:41 20 Q On December 18, 2015, you reformatted the 10:41 21 operating system on your Google-issued laptop because 10:42 22 you thought this would conceal the fact that you had 10:42 23 downloaded and copied 14,000 confidential Google files 10:42 24 from the SVN server; correct? 10:42 25 A On the advice and direction of my counsel, I 10:42 Page 64</p>
<p>1 for approximately eight hours; correct? 10:40 2 A On the advice and direction of my counsel, I 10:40 3 respectfully decline to answer. And I assert the 10:40 4 rights guaranteed to me under the Fifth Amendment of 10:40 5 the Constitution of the United States. 10:40 6 Q On December 14, 2015, you copied 10:40 7 approximately 14,000 confidential Google files which 10:40 8 you had previously downloaded from the SVN server to 10:40 9 an external storage device; correct? 10:40 10 A On the advice and direction of my counsel, I 10:40 11 respectfully decline to answer. And I assert the 10:40 12 rights guaranteed to me under the Fifth Amendment of 10:40 13 the Constitution of the United States. 10:40 14 Q On December 14th, 2015, you copied 10:40 15 approximately 14,000 confidential Google files to an 10:40 16 external storage device without authorization from 10:40 17 Google; correct? 10:40 18 A On the advice and direction of my counsel, I 10:40 19 respectfully decline to answer. And I assert the 10:40 20 rights guaranteed to me under the Fifth Amendment of 10:40 21 the Constitution of the United States. 10:40 22 Q On December 14th, 2015, you copied 14 -- 10:40 23 approximately 14,000 confidential Google files to an 10:41 24 external storage device so you could use them for the 10:41 25 new company you were founding; correct? 10:41 Page 63</p>	<p>1 respectfully decline to answer. And I assert the 10:42 2 rights guaranteed to me under the Fifth Amendment of 10:42 3 the Constitution of the United States. 10:42 4 Q You had access to Google's internal drive 10:42 5 database while you were a Google employee; correct? 10:42 6 A On the advice and direction of my counsel, I 10:42 7 respectfully decline to answer. And I assert my 10:42 8 rights guaranteed to me under the Fifth Amendment of 10:42 9 the Constitution of the United States. 10:42 10 Q On January 3rd, 2016, you exported five -- 10:42 11 five files from Google Drive's database to a personal 10:42 12 device; correct? 10:42 13 A On the advice and direction of my counsel, I 10:42 14 respectfully decline to answer. And I assert the 10:42 15 rights guaranteed to me under the Fifth Amendment of 10:42 16 the Constitution of the United States. 10:42 17 Q On January 3rd, 2016, you exported a file 10:42 18 called "PBR Intensity Calibration" from Google's 10:42 19 internal drive database; correct? 10:43 20 A On the advice and direction of my counsel, I 10:43 21 respectfully decline to answer. And I assert the 10:43 22 rights guaranteed to me under the Fifth Amendment of 10:43 23 the Constitution of the United States. 10:43 24 Q On January 3rd, 2016, you exported a file 10:43 25 called "PBR Extrinsic Calibration" from Google's 10:43 Page 65</p>



1 internal drive database; correct? 10:43	1 the Constitution of the United States. 10:46
2 A On the advice and direction of my counsel, I 10:43	2 Q On January 11, 2016, you exported a file from 10:46
3 respectfully decline to answer. And I assert the 10:43	3 Google's internal drive database so that you could use 10:46
4 rights guaranteed to me under the Fifth Amendment of 10:43	4 it to support the new company you were founding -- 10:46
5 the Constitution of the United States. 10:43	5 founding; correct? 10:46
6 Q On January 3rd, 2016, you also exported files 10:43	6 A On the advice and direction of my counsel, I 10:46
7 called "TX and RX Tuning Instructions," "GBR Assembly 10:43	7 respectfully decline to answer. And I assert the 10:46
8 Flowchart SOP," and "TBR Testing Station" from 10:43	8 rights guaranteed to me under the Fifth Amendment of 10:46
9 Google's internal drive database; correct? 10:43	9 the Constitution of the United States. 10:47
10 A On the advice and direction of my counsel, I 10:43	10 Q On January 11, 2016, you exported a file from 10:47
11 respectfully decline to answer. And I assert the 10:43	11 Google's internal drive database so that you could use 10:47
12 rights guaranteed to me under the Fifth Amendment of 10:43	12 it at your new company to compete with Google? 10:47
13 the Constitution of the United States. 10:44	13 A On the advice of and -- and direction of my 10:47
14 Q The five files you exported from Google's 10:44	14 counsel, I respectfully decline to answer. And I 10:47
15 internal drive database on January 3rd, 2016, were 10:44	15 assert the rights guaranteed to me under the Fifth 10:47
16 exported so that you could use them to support the new 10:44	16 Amendment of the Constitution of the United States. 10:47
17 company you were founding? 10:44	17 Q You directed Google employees that you asked 10:47
18 A On the advice and direction of my counsel, I 10:44	18 to join you at your new company to export documents 10:47
19 respectfully decline to answer. And I assert the 10:44	19 from Google computers, before departing Google, to 10:47
20 rights guaranteed to me under the Fifth Amendment of 10:44	20 bring with you to Waymo -- to Otto? 10:47
21 the Constitution of the United States. 10:44	21 A On the advice and direction of my counsel, I 10:48
22 Q The five files that you exported from 10:44	22 respectfully decline to answer. And I assert the 10:48
23 Google's internal drive database on January 3rd, 2016, 10:44	23 rights guaranteed to me under the Fifth Amendment of 10:48
24 were exported so that you could use them to compete 10:44	24 the Constitution of the United States. 10:48
25 with Google; correct? 10:44	25 Q Let me just ask that again, because I asked 10:48
Page 66	Page 68
1 A On the advice and direction of my counsel, I 10:44	1 it wrong. 10:48
2 respectfully decline to answer. And I assert the 10:44	2 You directed Google employees, that you asked 10:48
3 rights guaranteed to me under the Fifth Amendment of 10:44	3 to join you at your new company, to export documents 10:48
4 the Constitution of the United States. 10:44	4 from Google computers, before departing Google, to 10:48
5 Q The 14,000 files that you exported to an 10:44	5 bring them with you to Otto? 10:48
6 external device on December 14th, 2015, were exported 10:45	6 A On the advice and direction of my counsel, I 10:48
7 so that you could use them to compete with Google by 10:45	7 respectfully decline to answer. And I assert the 10:48
8 using Google's confidential information; correct? 10:45	8 rights guaranteed to me under the Fifth Amendment of 10:48
9 A On the advice and direction of my counsel, I 10:45	9 the Constitution of the United States. 10:48
10 respectfully decline to answer. And I assert the 10:45	10 Q You asked that former Google employees bring 10:48
11 rights guaranteed to me under the Fifth Amendment of 10:45	11 Google confidential information with them when they 10:48
12 the Constitution of the United States. 10:45	12 joined your new company? 10:48
13 Q The five files you exported on January 3rd, 10:45	13 A On the advice and direction of my counsel, I 10:48
14 2016, were exported so that you could compete with 10:46	14 respectfully decline to answer. And I assert the 10:48
15 Google by using Google's confidential information? 10:46	15 rights guaranteed to me under the Fifth Amendment of 10:48
16 A On the advice and direction of my counsel, I 10:46	16 the Constitution of the United States. 10:49
17 respectfully decline to answer. And I assert the 10:46	17 Q Sameer Kshirsagar was a former Google 10:49
18 rights guaranteed to me under the Fifth Amendment of 10:46	18 employee who you asked to take confidential 10:49
19 the Constitution of the United States. 10:46	19 information from Google to Otto; correct? 10:49
20 Q On January 11th, 2016, you exported a file 10:46	20 A On the advice and direction of my counsel, I 10:49
21 called "Chauffeur TL Weekly Updates Q4 2015" from 10:46	21 respectfully decline to answer. And I assert the 10:49
22 Google's internal drive database? 10:46	22 rights guaranteed to me under the Fifth Amendment of 10:49
23 A On the direction of my counsel, I 10:46	23 the Constitution of the United States. 10:49
24 respectfully decline to answer. And I assert the 10:46	24 Q You encouraged Sameer to bring confidential 10:49
25 rights guaranteed to me under the Fifth Amendment of 10:46	25 information with him when you recruited him to join 10:49
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1 Otto; correct? 10:49	1 rights guaranteed to me under the Fifth Amendment of 10:52
2 A On the advice and direction of my counsel, I 10:49	2 the Constitution of the United States. 10:52
3 respectfully decline to answer. And I assert the 10:49	3 Q Uber has encouraged you to use the 10:52
4 rights guaranteed to me under the Fifth Amendment of 10:49	4 14,000 documents downloaded in December 2015 during 10:52
5 the Constitution of the United States. 10:49	5 your work at Uber; correct? 10:52
6 Q You recruited Google employees to join you at 10:49	6 A On the advice and direction of my counsel, I 10:52
7 Otto because they had access to Google's confidential 10:50	7 respectfully decline to answer. And I assert the 10:52
8 information? 10:50	8 rights guaranteed to me under the Fifth Amendment of 10:52
9 A On the advice and direction of my counsel, I 10:50	9 the Constitution of the United States. 10:52
10 respectfully decline to answer. And I assert the 10:50	10 Q Uber and its management know that you have 10:52
11 rights guaranteed to me under the Fifth Amendment of 10:50	11 retained the 14,000 documents you downloaded in 10:52
12 the Constitution of the United States. 10:50	12 December 2015? 10:52
13 Q You continue to retain documents, including 10:50	13 MS. RAY: Objection; form. 10:52
14 Google and Waymo confidential information, that you 10:50	14 MR. EHRLICH: You can answer. 10:52
15 downloaded prior to your resignation of Google? 10:50	15 THE WITNESS: On the advice and direction of 10:52
16 A On the advice and direction of my counsel, I 10:50	16 my counsel, I respectfully decline to answer. And I 10:52
17 respectfully decline to answer. And I assert the 10:50	17 assert the rights guaranteed to me under the Fifth 10:52
18 rights guaranteed to me under the Fifth Amendment of 10:50	18 Amendment of the Constitution of the United States. 10:53
19 the Constitution of the United States. 10:50	19 MR. PERLSON: Q. You have informed Goober 10:53
20 Q You continue to retain the 14,000 documents 10:50	20 and -- Uber and its management that you still have the 10:53
21 that you downloaded in December 15 -- December 2015 10:50	21 14,000 documents downloaded in December 2015 from 10:53
22 from the Google SVN server? 10:50	22 Google? 10:53
23 A On the advice and direction of my counsel, I 10:50	23 A On the advice and direction of my counsel, I 10:53
24 respectfully decline to answer. And I assert the 10:50	24 respectfully decline to answer. And I assert the 10:53
25 rights guaranteed to me under the Fifth Amendment of 10:50	25 rights guaranteed to me under the Fifth Amendment of 10:53
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1 the Constitution of the United States. 10:51	1 the Constitution of the United States. 10:53
2 Q You still have the media device through which 10:51	2 Q You told Uber that you had in your personal 10:53
3 you downloaded the approximately 14,000 files in 10:51	3 possession the 14,000 documents downloaded from Google 10:53
4 December 15 -- December 2015; correct? 10:51	4 before the Otto acquisition; correct? 10:53
5 A On the advice and direction of my counsel, I 10:51	5 A On the advice and direction of my counsel, I 10:53
6 respectfully decline to answer. And I assert the 10:51	6 respectfully decline to answer. And I assert the 10:53
7 rights guaranteed to me under the Fifth Amendment of 10:51	7 rights guaranteed to me under the Fifth Amendment of 10:53
8 the Constitution of the United States. 10:51	8 the Constitution of the United States. 10:53
9 Q You have referred to the 14,000 documents 10:51	9 Q You told Uber that you had in your personal 10:53
10 downloaded in 2015 during your work at Otto; correct? 10:51	10 possession the 14,000 documents downloaded in 2015 10:53
11 A On the advice and direction of my counsel, I 10:51	11 before you even left Google; correct? 10:54
12 respectfully decline to answer. And I assert the 10:51	12 A On the advice and direction of my counsel, I 10:54
13 rights guaranteed to me under the Fifth Amendment of 10:51	13 respectfully decline to answer. And I assert the 10:54
14 the Constitution of the United States. 10:51	14 rights guaranteed to me under the Fifth Amendment of 10:54
15 Q You have referred to the 14,000 documents 10:51	15 the Constitution of the United States. 10:54
16 downloaded in 2015 during your work at Uber; correct? 10:51	16 Q When Mr. Kalanick recruited you to join Uber, 10:54
17 A On the advice and direction of my counsel, I 10:51	17 you informed him that you had taken the 10:54
18 respectfully decline to answer. And I assert the 10:51	18 14,000 documents downloaded in 2015 from Google? 10:54
19 rights guaranteed to me under the Fifth Amendment of 10:51	19 A On the advice and direction of my counsel, I 10:54
20 the Constitution of the United States. 10:52	20 respectfully decline to answer. And I assert the 10:54
21 Q Uber is aware that you have referred to the 10:52	21 rights guaranteed to me under the Fifth Amendment of 10:54
22 14,000 documents downloaded in December 2015 during 10:52	22 the Constitution of the United States. 10:54
23 your work at Uber; correct? 10:52	23 Q While Mr. Kalanick was recruiting you to join 10:54
24 A On the advice and direction of my counsel, I 10:52	24 Uber, he did not tell you to return the 14,000 10:54
25 respectfully decline to answer. And I assert the 10:52	25 documents you had downloaded in 2015 from Google? 10:55
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<p>1 A On the advice and direction of my counsel, I 10:55 2 respectfully decline to answer. And I assert the 10:55 3 rights guaranteed to me under the Fifth Amendment of 10:55 4 the Constitution of the United States. 10:55 5 Q When Mr. Kalanick recruited you to join Uber, 10:55 6 he encouraged you to keep the 14,000 documents you had 10:55 7 downloaded in 2015 from Google and use them at Uber 10:55 8 when you joined Uber; correct? 10:55 9 A On the advice and direction of my counsel, I 10:55 10 respectfully decline to answer. And I assert the 10:55 11 rights guaranteed to me under the Fifth Amendment of 10:55 12 the Constitution of the United States. 10:55 13 Q You were retained as a consultant by Uber 10:55 14 before the Otto acquisition; correct? 10:55 15 A On the advice and direction of my counsel, I 10:55 16 respectfully decline to answer. And I assert the 10:55 17 rights guaranteed to me under the Fifth Amendment of 10:55 18 the Constitution of the United States. 10:56 19 Q You were retained as a consultant by Uber 10:56 20 before you left Google; correct? 10:56 21 A On the advice and direct- -- and direction of 10:56 22 my counsel, I respectfully decline to answer. And I 10:56 23 assert the rights guaranteed to me under the Fifth 10:56 24 Amendment of the Constitution of the United States. 10:56 25 Q The reason you were retained as a consultant 10:56 Page 74</p>	<p>1 the Constitution of the United States. 10:57 2 Q Uber was aware that you were sharing with 10:57 3 them information obtained from the 14,000 files you 10:58 4 downloaded in December 15 -- 2015 as part of your 10:58 5 consulting work for Uber? 10:58 6 MS. RAY: Objection; form. 10:58 7 MR. EHRLICH: You can answer. 10:58 8 THE WITNESS: Okay. 10:58 9 On the advice and direction of my counsel, I 10:58 10 respectfully decline to answer. And I assert the 10:58 11 rights guaranteed to me under the Fifth Amendment of 10:58 12 the Constitution of the United States. 10:58 13 MR. PERLSON: Q. Uber has never asked you to 10:58 14 return to Google or Waymo the 14,000 files you 10:58 15 downloaded in December 2015? 10:58 16 A On the advice and direction of my counsel, I 10:58 17 respectfully decline to answer. And I assert the 10:58 18 rights guaranteed to me under the Fifth Amendment of 10:58 19 the Constitution of the United States. 10:58 20 Q You have retained the -- the 14,000 files you 10:58 21 downloaded in December 2015 so that you can continue 10:59 22 to use this information at your work at Uber? 10:59 23 A On the advice and direction of my counsel, I 10:59 24 respectfully decline to answer. And I assert the 10:59 25 rights guaranteed to me under the Fifth Amendment of 10:59 Page 76</p>
<p>1 by Uber before the Otto acquisition was so that you 10:56 2 could share the confidential information you learned 10:56 3 while you were employed by Google with Uber? 10:56 4 A On the advice and direction of my counsel, I 10:56 5 respectfully decline to answer. And I assert the 10:56 6 rights guaranteed to me under the Fifth Amendment of 10:56 7 the Constitution of the United States. 10:56 8 Q While you were acting as a consultant for 10:56 9 Uber, you did share Google confidential information 10:56 10 you learned while you were employed by Google with 10:57 11 Uber? 10:57 12 A On the advice and direction of my counsel, I 10:57 13 respectfully decline to answer. And I assert the 10:57 14 rights guaranteed to me under the Fifth Amendment of 10:57 15 the Constitution of the United States. 10:57 16 Q While the -- the -- start over again. 10:57 17 The information that you shared with 10:57 18 Google -- let me start over again. 10:57 19 The information that you shared with Uber 10:57 20 while you were a consultant for Uber included 10:57 21 information from the 14,000 files you downloaded in 10:57 22 December 2015? 10:57 23 A On the advice and direction of my counsel, I 10:57 24 respectfully decline to answer. And I assert the 10:57 25 rights guaranteed to me under the Fifth Amendment of 10:57 Page 75</p>	<p>1 the Constitution of the United States. 10:59 2 Q Uber has -- start over again. 10:59 3 Uber has instructed you, and continues to 10:59 4 instruct you, to keep the 14,000 files you downloaded 10:59 5 in December 2015 so that you can continue to use this 10:59 6 information at your work at Uber? 10:59 7 A On the advice and direction of my counsel, I 10:59 8 respectfully decline to answer. And I assert the 10:59 9 rights guaranteed to me under the Fifth Amendment of 10:59 10 the Constitution of the United States. 11:00 11 Q You have retained the information -- let me 11:00 12 start over again. 11:00 13 You have retained the 14,000 documents and 11:00 14 other -- strike that. 11:00 15 You have retained the 14,000 documents you 11:00 16 downloaded in December 2015 because it contains 11:00 17 information that is not generally known in the 11:00 18 relevant field of that information? 11:00 19 A On the advice and direction of my counsel, I 11:00 20 respectfully decline to answer. And I assert the 11:00 21 rights guaranteed to me under the Fifth Amendment of 11:00 22 the Constitution of the United States. 11:00 23 Q You have retained the -- the 14,000 files you 11:00 24 downloaded in December 2015 and the other information 11:00 25 you took with you -- let me start over again. 11:00 Page 77</p>



<p>1 You have retained the 14,000 files you 11:00 2 downloaded in 2015 because it derives independent 11:01 3 economic value from the fact that the information in 11:01 4 those documents is not generally known in the relevant 11:01 5 field; correct? 11:01 6 A On the advice and direction of my counsel, I 11:01 7 respectfully decline to answer. And I assert the 11:01 8 rights guaranteed to me under the Fifth Amendment of 11:01 9 the Constitution of the United States. 11:01 10 Q The 14,000 files that you downloaded in 11:01 11 December 2015 contain trade secrets; correct? 11:01 12 MS. RAY: Objection; form. 11:01 13 MR. EHRLICH: You can answer. 11:01 14 THE WITNESS: Okay. 11:01 15 On the advice and direction of my counsel, I 11:01 16 respectfully decline to answer. And I assert the 11:01 17 rights guaranteed to me under the Fifth Amendment of 11:01 18 the Constitution of the United States. 11:02 19 MR. PERLSON: Q. You retained the five files 11:02 20 you exported in January 2016 because it contains 11:02 21 informa- -- they contain information that derive 11:02 22 independent economic value from the fact that it is 11:02 23 not generally known? 11:02 24 A On the advice and direction of my counsel, I 11:02 25 respectfully decline to answer. And I assert the 11:02</p> <p style="text-align: right;">Page 78</p>	<p>1 said that he would love to put you on the witness 11:04 2 stand to explain what happened, because he thinks you 11:04 3 have a good story to tell? 11:04 4 MS. RAY: I instruct you not to answer to the 11:04 5 extent that what you know is as the result of 11:04 6 attorney-client privileged communications. But you 11:04 7 may otherwise answer. 11:04 8 MR. EHRLICH: I join in that instruction. 11:04 9 But, to the extent it goes beyond that, I instruct you 11:04 10 to assert your rights. 11:04 11 THE WITNESS: On the advice and direction of 11:04 12 my counsel, I respectfully decline to answer. And I 11:04 13 assert the rights guaranteed to me under the Fifth 11:04 14 Amendment of the Constitution of the United States. 11:05 15 MR. PERLSON: Q. Do you have a good story to 11:05 16 tell in this case? 11:05 17 A On the advice and direction of my counsel, I 11:05 18 respectfully decline to answer. And I assert the 11:05 19 rights guaranteed to me under the Fifth Amendment of 11:05 20 the Constitution of the United States. 11:05 21 Q Have you told your good story to 11:05 22 Mr. Gonzalez? 11:05 23 A On the advice and direction of my counsel, I 11:05 24 respectfully decline to answer. And I assert the 11:05 25 rights granted to me under the Fifth Amendment of the 11:05</p> <p style="text-align: right;">Page 80</p>
<p>1 rights guaranteed to me under the Fifth Amendment of 11:02 2 the Constitution of the United States. 11:02 3 Q You have used the confidential information 11:02 4 contained in the five files exported on January 3rd, 11:03 5 2016, for the benefit of Uber in the past? 11:03 6 A On the advice and direction of my counsel, I 11:03 7 respectfully decline to answer. And I assert the 11:03 8 rights guaranteed to me under the Fifth Amendment of 11:03 9 the Constitution of the United States. 11:03 10 Q You expect to continue to use the 14,000 11:03 11 documents you downloaded in December 2015 for the 11:03 12 benefit of Uber; correct? 11:03 13 A On the advice and direction of my counsel, I 11:03 14 respectfully decline to answer. And I assert the 11:03 15 rights guaranteed to me under the Fifth Amendment of 11:03 16 the Constitution of the United States. 11:03 17 Q You expect to continue to use the five files 11:03 18 you downloaded on January 3rd, 2016, for the benefit 11:03 19 of Uber? 11:04 20 A On the advice and direction of my counsel, I 11:04 21 respect -- I respectfully decline to answer. And I 11:04 22 assert the rights guaranteed to me under the Fifth 11:04 23 Amendment of the Constitution of the United States. 11:04 24 Q Are you aware that, in a hearing before the 11:04 25 judge in this case, Uber's lawyer, Arturo Gonzalez, 11:04</p> <p style="text-align: right;">Page 79</p>	<p>1 Constitution of the United States. 11:05 2 Q Is part of your good story that you received 11:05 3 a bachelor of science degree in industrial engineering 11:05 4 and operations research in 2002 from the University of 11:05 5 California at Berkeley? 11:05 6 MR. EHRLICH: Hold on one second. Let me 11:05 7 just -- the question is whether that's part of your 11:05 8 good story. 11:05 9 So, I'm going to instruct you to assert your 11:05 10 rights. Go ahead. 11:05 11 THE WITNESS: Okay. 11:05 12 On the advice and direction of my counsel, I 11:05 13 respectfully decline to answer. And I assert the 11:05 14 rights guaranteed to me under the Fifth Amendment of 11:05 15 the Constitution of the United States. 11:06 16 MR. EHRLICH: Mr. Perlson, just -- can I -- 11:06 17 for the record, my partner, Ismail Ramsey, has joined. 11:06 18 And, if I could just take a pause. I know 11:06 19 that wasn't your question here. But as is clear, 11:06 20 he's -- he's being instructed to assert his 11:06 21 constitutional rights very broadly. 11:06 22 However, if you did want to ask about any of 11:06 23 his work or upbringing before joining Google, you can 11:06 24 go ahead and ask those questions, if -- if that's of 11:06 25 interest. 11:06</p> <p style="text-align: right;">Page 81</p>

1 MR. PERLSON: Thanks. 11:06	1 The time is 11:24. 11:24
2 Q Is part of your good story that you received 11:06	2 MR. PERLSON: Q. Mr. Levandowski, is part of 11:24
3 a master's degree from Berkeley in 2003? 11:06	3 your good story that you developed a self-driving 11:24
4 A On the advice and direction of my counsel, I 11:06	4 motorcycle that entered the DARPA Challenge of -- in 11:24
5 respectfully decline to answer. And I assert the 11:06	5 2004? 11:24
6 rights guaranteed to me under the Fifth Amendment of 11:06	6 A On the advice and direction of my counsel, I 11:24
7 the Constitution of the United States. 11:07	7 respectfully decline to answer. And I assert the 11:24
8 Q Is part of your good story that you developed 11:07	8 rights guaranteed to me under the Fifth Amendment of 11:24
9 technology for a robotic motorcycle between 2003 and 11:07	9 the Constitution of the United States. 11:24
10 2006? 11:07	10 Q Is part of your good story that you were the 11:24
11 A On the advice and direction of my counsel, I 11:07	11 chief technologist of unmanned systems at ENSCO, Inc., 11:24
12 respectfully decline to answer. And I assert the 11:07	12 from 2006 to 2007? 11:25
13 rights guaranteed to me under the Fifth Amendment of 11:07	13 A On the advice and direction of my counsel, I 11:25
14 the Constitution of the United States. 11:07	14 respectfully decline to answer. And I assert the 11:25
15 MR. EHRLICH: And excuse me, Counsel. I just 11:07	15 rights guaranteed to me under the Fifth Amendment of 11:25
16 want to make clear -- I want to make sure I 11:07	16 the Constitution of the United States. 11:25
17 understand. 11:07	17 Q Is part of your story the work you did -- I'm 11:25
18 You're not asking the question of fact 11:07	18 sorry. 11:25
19 whether he, in fact, did these things, or whether he 11:07	19 Is part of your good story the work you did 11:25
20 had this education or, you know, developed this 11:07	20 for Google between 2007 and 2016? 11:25
21 robotic motorcycle. 11:07	21 A On the advice and direction of my counsel, I 11:25
22 You're framing it in terms of whether that's 11:07	22 respectfully decline to answer. And I assert the 11:25
23 part of the good story that Mr. Gonzalez was referring 11:07	23 rights guaranteed to me under the Fifth Amendment of 11:25
24 to? 11:07	24 the Constitution of the United States. 11:25
25 MR. PERLSON: I'm asking the questions that 11:07	25 Q Did the work that you did while you were at 11:25
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1 I'm asking. And the -- Judge Alsup's rules, I think, 11:07	1 Berkeley have to do with -- have anything to do with 11:25
2 are pretty clear that, if you have an objection, you 11:07	2 the work that you did while you were at Google? 11:25
3 say it in the basis of form. 11:07	3 MR. EHRLICH: You can answer the question 11:25
4 MR. EHRLICH: Okay. 11:07	4 about your work at Berkeley -- the -- the nature of 11:25
5 MR. PERLSON: So, if you want to object on 11:07	5 your work at Berkeley. 11:25
6 the basis of form -- 11:07	6 THE WITNESS: Sure. 11:25
7 MR. EHRLICH: So no, I don't want to object. 11:07	7 I -- 11:25
8 I just would -- thought it might be helpful if you 11:07	8 MR. EHRLICH: But -- but I'm going to 11:25
9 want answers to those questions. But I'll -- I'll -- 11:08	9 instruct you not to answer in any way about matters 11:25
10 I won't object, and you can go ahead. 11:08	10 that occurred after the date you began employment with 11:26
11 I don't know if there's a question. 11:08	11 Google. 11:26
12 MR. PERLSON: I don't, either. 11:08	12 THE WITNESS: Okay. 11:26
13 MR. EHRLICH: I think there wasn't, but I -- 11:08	13 Well, I can't answer whether it relates or 11:26
14 I wanted to offer that. 11:08	14 not. But I can say that, at Berkeley, I worked on 11:26
15 MR. PERLSON: Okay. 11:08	15 self-driving vehicles, indoors, outdoors, and other 11:26
16 MS. RAY: Could -- could you hold on a 11:08	16 robotic vehicles. 11:26
17 moment. 11:08	17 MR. PERLSON: Q. And, did the work that 11:26
18 May we chat a moment. 11:08	18 you -- and does the work that you did at Berkeley 11:26
19 Can we go off the record a moment, please. 11:08	19 relating to self-driving vehicles have anything to do 11:26
20 MR. PERLSON: Sure. There's not -- I don't 11:08	20 with the work that you did at Google? 11:26
21 think there's a question. 11:08	21 A I'm going to -- 11:26
22 THE VIDEOGRAPHER: We are going off the 11:08	22 MR. EHRLICH: On -- on that question, because 11:26
23 record. The time is 11:08. 11:08	23 I'm trying to be very clear to preserve 11:26
24 (Recess taken.) 11:08	24 Mr. Levandowski's Fifth Amendment privilege here, that 11:26
25 THE VIDEOGRAPHER: We are back on the record. 11:24	25 if the question is calling for the nature of his work 11:26
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1 prior to joining Google, then you can answer. 11:26	1 MR. EHRLICH: I'm going to instruct you. 11:29
2 But I'm instructing you not to draw any 11:26	2 THE WITNESS: On the advice and direction of 11:29
3 comparisons between the two, because you are not 11:26	3 my counsel, I respectfully decline to answer. And I 11:29
4 answering questions about matters occurring after you 11:27	4 assert the rights and -- I assert the rights 11:29
5 began employment with Google. 11:27	5 guaranteed to me under the Fifth Amendment of the 11:29
6 Go ahead. 11:27	6 Constitution of the United States. 11:29
7 THE WITNESS: Can I have you repeat the 11:27	7 MR. PERLSON: Q. And how does the 11:29
8 question then. 11:27	8 self-driving vehicle technology that you worked on at 11:29
9 MR. PERLSON: Sure. 11:27	9 Goo- -- at Google relate to the work you've described 11:29
10 THE WITNESS: I can probably read it. 11:27	10 at Berkeley? 11:29
11 MR. EHRLICH: Yeah, maybe you can look here. 11:27	11 A On the advice and direction of my counsel, I 11:29
12 THE WITNESS: Yeah. 11:27	12 respectfully decline to answer. And I assert the 11:29
13 And does -- okay. And, did the work that -- 11:27	13 rights guaranteed to me under the Fifth Amendment of 11:29
14 the work that you did at Berkeley, relating to 11:27	14 the Constitution of the United States. 11:29
15 self-driving vehicle, have anything to do with the 11:27	15 Q How does the work that you did, in relation 11:29
16 work that you did at Google? 11:27	16 to the self-driving motorcycle that entered the DARPA 11:29
17 MR. EHRLICH: At Google. So, answer the 11:27	17 Grand Challenge in 2004, relate to the work that you 11:30
18 first part. 11:27	18 did for Google in self-driving vehicle technology? 11:30
19 THE WITNESS: At Berkeley, I worked on 11:27	19 A On the advice and direction of my counsel, I 11:30
20 multiple projects, including navigation of vehicles, 11:27	20 respectfully decline to answer. And I assert the 11:30
21 self-driving vehicles built on -- using Java for 11:27	21 rights guaranteed to me under the Fifth Amendment of 11:30
22 navigation, using cameras, GPS, and other sensors, 11:27	22 the Constitution of the United States. 11:30
23 too. 11:28	23 MR. EHRLICH: And Counsel, can I just make a 11:30
24 MR. PERLSON: Q. And does the work that you 11:28	24 comment? 11:30
25 just described that you did at Ber- -- Berkeley have 11:28	25 I really want you to get answers to any 11:30
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1 any relation to the work that you did at Google? 11:28	1 questions you can, consistent with his Fifth Amendment 11:30
2 A On the -- 11:28	2 rights. 11:30
3 MR. EHRLICH: I'll instruct you -- 11:28	3 So, if you are interested in asking questions 11:30
4 THE WITNESS: -- advice of -- on the -- on 11:28	4 about the -- the self-driving motorcycle related to 11:30
5 the advice and direction of my counsel, I respectfully 11:28	5 the DARPA Grand Challenge, I encourage you to ask 11:30
6 decline to answer. And I assert the rights guaranteed 11:28	6 that. He can answer those questions. 11:30
7 to me under the Fifth Amendment of the Constitution of 11:28	7 You don't have to answer -- you don't have to 11:30
8 the United States. 11:28	8 ask him, of course. It's your choice. 11:30
9 MR. PERLSON: Q. And, does the work that you 11:28	9 MR. PERLSON: Q. How does the work that you 11:30
10 just described, while you were at Berkeley, have 11:28	10 did, in relation to the self-driving motorcycle that 11:31
11 anything to do with the work that you do at Uber? 11:28	11 entered the DARPA Challenge in 2004, relate to the 11:31
12 A On the advice and direction of my counsel, I 11:28	12 work that you are doing now at Uber? 11:31
13 respectfully decline to answer. And I assert the 11:28	13 A On the advice and direction of my counsel, I 11:31
14 rights guaranteed to me under the Fifth Amendment of 11:28	14 respectfully decline to answer. And I assert the 11:31
15 the Constitution of the United States. 11:28	15 rights guaranteed to me under the Fifth Amendment of 11:31
16 Q And, does the work that you did at Berkeley 11:28	16 the Constitution of the United States. 11:31
17 cause you to be knowledgeable as to the state of 11:28	17 Q What are the advances that have been made at 11:31
18 self-driving car technology today? 11:28	18 Uber regarding self-driving technology over the 11:31
19 MR. EHRLICH: You can answer that. 11:28	19 self-driving motorcycle that you developed in relation 11:31
20 THE WITNESS: Yeah, I was one of the first 11:28	20 to the 2004 DARPA Grand Challenge? 11:31
21 pioneers in the field in terms of building 11:28	21 MR. EHRLICH: Hold on. Let me read the 11:31
22 self-driving vehicles. 11:29	22 question. 11:31
23 MR. PERLSON: Q. And what -- and how -- how 11:29	23 I'm going to instruct you to assert your 11:32
24 does Uber's current self-driving technology compare to 11:29	24 rights. 11:32
25 the technology that you worked on at Berkeley? 11:29	25 THE WITNESS: On the advice and direction of 11:32
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<p>1 my counsel, I respectfully decline to answer. And I 11:32</p> <p>2 assert the rights guaranteed to me under the Fifth 11:32</p> <p>3 Amendment of the Constitution of the United States. 11:32</p> <p>4 MR. PERLSON: Q. What are the differences 11:32</p> <p>5 between the self-driving car technology that you 11:32</p> <p>6 worked on at Google and the self-driving car 11:32</p> <p>7 technology that you currently work on at Uber? 11:32</p> <p>8 A On the advice and direction of my counsel, I 11:32</p> <p>9 respectfully decline to answer. And I assert the 11:32</p> <p>10 rights guaranteed to me under the Fifth Amendment of 11:32</p> <p>11 the Constitution of the United States. 11:32</p> <p>12 Q Do you agree that, while you were at Google, 11:32</p> <p>13 Google invested time and money to allow you to develop 11:32</p> <p>14 self-driving car technology? 11:33</p> <p>15 A On the advice and direction of my counsel, I 11:33</p> <p>16 respectfully decline to answer. And I assert the 11:33</p> <p>17 rights guaranteed to me under the Fifth Amendment of 11:33</p> <p>18 the Constitution of the United States. 11:33</p> <p>19 Q Do you agree that the development of 11:33</p> <p>20 self-driving car technology at Google took years of 11:33</p> <p>21 work? 11:33</p> <p>22 A On the advice and direction of my counsel, I 11:33</p> <p>23 respectfully decline to answer. And I assert the 11:33</p> <p>24 rights guaranteed to me under the Fifth Amendment of 11:33</p> <p>25 the Constitution of the United States. 11:33</p> <p style="text-align: right;">Page 90</p>	<p>1 decline to answer. And I assert the rights guaranteed 11:34</p> <p>2 to me under the Fifth Amendment of the Constitution of 11:34</p> <p>3 the United States. 11:34</p> <p>4 Q Have you read the complaint in this case? 11:34</p> <p>5 A On the advice of my counsel, I respectfully 11:35</p> <p>6 decline to answer. And I assert the rights guaranteed 11:35</p> <p>7 to me under the Fifth Amendment of the Constitution of 11:35</p> <p>8 the United States. 11:35</p> <p>9 Q Have you read the -- Waymo's motion for 11:35</p> <p>10 preliminary injunction in this case? 11:35</p> <p>11 A On the advice and direction of my counsel, I 11:35</p> <p>12 respectfully decline to answer. 11:35</p> <p>13 Q Can you identify any allegation in Waymo's 11:35</p> <p>14 complaint that you believe is incorrect? 11:35</p> <p>15 A Do you want me to finish my answer to the 11:35</p> <p>16 previous one? 11:35</p> <p>17 MR. EHRLICH: Yeah, go ahead -- go ahead and 11:35</p> <p>18 answer -- give the full answer. 11:35</p> <p>19 THE WITNESS: So, on the previous question, 11:35</p> <p>20 let me just finish -- 11:35</p> <p>21 MR. PERLSON: Q. Oh, did I cut you off? 11:35</p> <p>22 A Yeah, it's okay. No worries. I'll just 11:35</p> <p>23 repeat. 11:35</p> <p>24 Q I'm not really listening to -- 11:35</p> <p>25 A I -- I imagine it's repetitive. 11:35</p> <p style="text-align: right;">Page 92</p>
<p>1 Q Do you agree that Waymo's self-driving car 11:33</p> <p>2 technology today is a result of years of work and a 11:33</p> <p>3 substantial investment of time and money? 11:33</p> <p>4 A On the advice and direction of my counsel, I 11:33</p> <p>5 respectfully decline to answer. And I assert the 11:33</p> <p>6 rights guaranteed to me under the Fifth Amendment of 11:33</p> <p>7 the Constitution of the United States. 11:33</p> <p>8 Q Do you agree that development of self-driving 11:33</p> <p>9 car technology, while you were at Google, involved 11:34</p> <p>10 trial and error? 11:34</p> <p>11 A On the advice and direction of my counsel, I 11:34</p> <p>12 respectfully decline to answer. And I assert the 11:34</p> <p>13 rights guaranteed to me under the Fifth Amendment of 11:34</p> <p>14 the Constitution of the United States. 11:34</p> <p>15 Q Isn't it correct that you use the knowledge 11:34</p> <p>16 you learned through trial and error, while you were 11:34</p> <p>17 working on self-driving car technology at Google, in 11:34</p> <p>18 your work for Uber? 11:34</p> <p>19 A On the advice and direction of my counsel, I 11:34</p> <p>20 respectfully decline to answer. And I assert the 11:34</p> <p>21 rights guaranteed to me under the Fifth Amendment of 11:34</p> <p>22 the Constitution of the United States. 11:34</p> <p>23 Q How does your work at Google relate to the 11:34</p> <p>24 allegations in this case? 11:34</p> <p>25 A On the advice of my counsel, I respectfully 11:34</p> <p style="text-align: right;">Page 91</p>	<p>1 But on the advice and direction of my 11:35</p> <p>2 counsel, I respectfully decline to answer. And I 11:35</p> <p>3 assert the rights guaranteed to me under the Fifth 11:35</p> <p>4 Amendment of the Constitution of the United States. 11:35</p> <p>5 Okay. Now, this current question? 11:35</p> <p>6 Q Let me just repeat it. 11:35</p> <p>7 A Yes. Thank you. 11:35</p> <p>8 Q Can you identify any allegation in Waymo's 11:35</p> <p>9 complaint that you believe is incorrect? 11:35</p> <p>10 A On the advice and direction of my counsel, I 11:35</p> <p>11 respectfully decline to answer. And I assert the 11:35</p> <p>12 rights guaranteed to me under the Fifth Amendment of 11:35</p> <p>13 the Constitution of the United States. 11:36</p> <p>14 Q Can you identify any allegation in Waymo's 11:36</p> <p>15 preliminary injunction motion that is incorrect? 11:36</p> <p>16 A On the advice and direction of my counsel, I 11:36</p> <p>17 respectfully decline to answer. And I assert the 11:36</p> <p>18 rights guaranteed to me under the Fifth Amendment of 11:36</p> <p>19 the Constitution of the United States. 11:36</p> <p>20 Q Isn't it correct that you cannot identify any 11:36</p> <p>21 allegation or assertion made in any of the 11:36</p> <p>22 declarations attached to Google's -- I'm sorry -- 11:36</p> <p>23 Waymo's motion for a preliminary injunction that is 11:36</p> <p>24 incorrect? 11:36</p> <p>25 MR. EHRLICH: I'm going to object to 11:36</p> <p style="text-align: right;">Page 93</p>

1 foundation. 11:36	1 of its LiDar system that preceded the Fuji system? 11:39
2 But, I'm going to instruct you to assert your 11:36	2 MS. RAY: Objection; form. 11:39
3 rights. 11:36	3 THE WITNESS: On the advice and direction of 11:39
4 MS. RAY: Join. 11:36	4 my counsel, I respectfully decline to answer. And I 11:39
5 THE WITNESS: On the advice and direction of 11:36	5 assert the rights guaranteed to me under the Fifth 11:39
6 my counsel, I respectfully decline to answer. And I 11:36	6 Amendment of the Constitution of the United States. 11:39
7 assert the rights guaranteed to me under the Fifth 11:36	7 MR. PERLSON: Q. Isn't it true that the -- 11:39
8 Amendment of the Constitution of the United States. 11:37	8 that Uber's submission in September 2016 of -- 11:40
9 MR. PERLSON: Q. Have you reviewed any of 11:37	9 regarding its self-driving car technology to the 11:40
10 the declarations attached to Waymo's motion for 11:37	10 Nevada government, referred to a prototype that was 11:40
11 preliminary injunction? 11:37	11 then in existence? 11:40
12 A On the advice and direction of my counsel, I 11:37	12 A On the advice and direction of my counsel, I 11:40
13 respectfully decline to answer. And I assert the 11:37	13 respectfully decline to answer. And I assert the 11:40
14 rights guaranteed to me under the Fifth Amendment of 11:37	14 rights guaranteed to me under the Fifth Amendment of 11:40
15 the Constitution of the United States. 11:37	15 the Constitution of the United States. 11:40
16 Q While at Otto, were you developing technology 11:37	16 Q Did Otto ever use or solicit [REDACTED] as a 11:40
17 relating to mid- and long-range LiDar systems? 11:37	17 vendor in developing its technology? 11:40
18 A On the advice and direction of my counsel, I 11:37	18 MS. RAY: Objection; form. 11:40
19 respectfully decline to answer. And I assert the 11:37	19 THE WITNESS: On the advice and direction of 11:40
20 rights guaranteed to me under the Fifth Amendment of 11:37	20 my counsel, I respectfully decline to answer. And I 11:40
21 the Constitution of the United States. 11:37	21 assert the rights guaranteed to me under the Fifth 11:40
22 Q Uber is currently developing long- and 11:37	22 Amendment of the Constitution of the United States. 11:41
23 midrange LiDar systems; correct? 11:37	23 MR. PERLSON: Q. Did Otto ever use or 11:41
24 A On the advice and direction of my counsel, I 11:37	24 solicit a company called [REDACTED] as a vendor in developing 11:41
25 respectfully decline to answer. And I assert the 11:37	25 its laser technology? 11:41
Page 94	Page 96
1 rights guaranteed to me under the Fifth Amendment of 11:37	1 MS. RAY: Objection; form. 11:41
2 the Constitution of the United States. 11:38	2 THE WITNESS: I'm sorry. I was distracted. 11:41
3 Q Uber's current LiDar development program 11:38	3 Do you mind repeating it. 11:41
4 incorporates technology from Otto's LiDar development 11:38	4 MR. PERLSON: Sure. 11:41
5 program; correct? 11:38	5 Q Did Otto ever use or solicit a company called 11:41
6 A On the advice and direction of my counsel, I 11:38	6 [REDACTED] as a vendor in developing its laser technology? 11:41
7 respectfully decline to answer. And I assert the 11:38	7 MS. RAY: Objection; form. 11:41
8 rights guaranteed to me under the Fifth Amendment of 11:38	8 THE WITNESS: On the advice and direction of 11:41
9 the Constitution of the United States. 11:38	9 my counsel, I respectfully decline to answer. And I 11:41
10 Q Are you currently participating in Uber's 11:38	10 assert the rights guaranteed to me under the Fifth 11:41
11 LiDar work? 11:38	11 Amendment to the Constitution of the United States. 11:41
12 A On the advice and direction of my counsel, I 11:38	12 MR. PERLSON: Q. Did Otto ever use or 11:41
13 respectfully decline to answer. And I assert the 11:38	13 solicit a company called [REDACTED] as a vendor in developing 11:41
14 rights guaranteed to me under the Fifth Amendment of 11:38	14 its laser technology? 11:41
15 the Constitution of the United States. 11:38	15 MS. RAY: Objection; form. 11:41
16 Q Were you involved at all in Uber's regulatory 11:38	16 THE WITNESS: On the advice and direction of 11:41
17 filing in September of 2016 regarding its self-driving 11:38	17 my counsel, I respectfully decline to answer. And I 11:41
18 car technology? 11:39	18 assert the rights guaranteed to me under the Fifth 11:41
19 A On the advice and direction of my counsel, I 11:39	19 Amendment to the Constitution of the United States. 11:41
20 respectfully decline to answer. And I assert the 11:39	20 MR. PERLSON: Q. Has -- did Otto select 11:41
21 rights guaranteed to me under the Fifth Amendment of 11:39	21 third-party vendors because of their knowledge of 11:41
22 the Constitution of the United States. 11:39	22 Google's confidential technology? 11:41
23 Q Isn't it true that the in-house technology 11:39	23 A On the advice and direction of my counsel, I 11:41
24 referred to in Uber's submission to Nevada, regarding 11:39	24 respectfully decline to answer. And I assert the 11:41
25 its self-driving car technology referred to a version 11:39	25 rights guaranteed to me under the Fifth Amendment to 11:41
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1 the Constitution of the United States. 11:41	1 keep going. 11:45
2 Q [REDACTED] is a supplier for Uber; 11:41	2 MR. PERLSON: I don't care. 11:45
3 correct? 11:42	3 THE WITNESS: Let's do it. 11:45
4 A On the advice and direction of my counsel, I 11:42	4 MR. EHRLICH: Keep going? 11:45
5 respectfully decline to answer. And I assert the 11:42	5 THE WITNESS: Yeah. 11:45
6 rights guaranteed to me under the Fifth Amendment to 11:42	6 MR. PERLSON: The -- you threw me off, man. 11:45
7 the Constitution of the United States. 11:42	7 MR. EHRLICH: We can take a break, if you 11:45
8 Q On December 12th, 2016, [REDACTED] sent 11:42	8 want. 11:45
9 an e-mail to individuals at Uber, that inadvertently 11:42	9 MR. PERLSON: Q. Fuji relates to a LiDar 11:45
10 included a Waymo employee; correct? 11:42	10 system prototype that Uber has developed; correct? 11:45
11 A On the advice and direction of my counsel, I 11:42	11 A On the advice and direction of my counsel, I 11:45
12 respectfully decline to answer. And I assert the 11:42	12 respectfully decline to answer. And I assert the 11:45
13 rights guaranteed to me under the Fifth Amendment to 11:42	13 rights guaranteed to me under the Fifth Amendment to 11:45
14 the Uni- -- to the Constitution of the United States. 11:42	14 the Constitution of the United States. 11:46
15 Q And that e-mail -- the -- the December 13th, 11:42	15 Q Work started on Fuji in October 2016; 11:46
16 2016, e-mail included a board that [REDACTED] is 11:43	16 correct? 11:46
17 developing for Uber; correct? 11:43	17 A On the advice and direction of my counsel, I 11:46
18 A On the advice and direction of my counsel, I 11:43	18 respectfully decline to answer. And I assert the 11:46
19 respectfully decline to answer. And I assert the 11:43	19 rights guaranteed to me under the Fifth Amendment to 11:46
20 rights guaranteed to me under the Fifth Amendment to 11:43	20 the Constitution of the United States. 11:46
21 the Constitution of the United States. 11:43	21 Q You personally are involved in the 11:46
22 Q And that December 13, 2016, e-mail attached a 11:43	22 development of Fuji; correct? 11:46
23 board design that was derived from information you 11:43	23 A On the advice and direction of my counsel, I 11:46
24 took from Google before you left Google; correct? 11:43	24 respectfully decline to answer. And I assert the 11:46
25 A On the advice and direction of my counsel, I 11:43	25 rights guaranteed to me under the Fifth Amendment to 11:46
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1 respectfully decline to answer. And I assert the 11:43	1 the -- to the Constitution of the United States. 11:46
2 rights granted to me -- guaranteed to me under the 11:43	2 Q Would you agree with me that the following 11:46
3 Fifth Amendment to the -- to the Constitution of the 11:43	3 statement is incorrect: 11:46
4 United States. 11:44	4 "Anthony Levandowski has never had nor 11:46
5 Q And that 2 -- and the December 13, 2016, 11:44	5 currently has any design input in the number of 11:46
6 [REDACTED] e-mail attached a board design that used 11:44	6 [REDACTED] number of [REDACTED], number of [REDACTED] 11:46
7 information that was contained in the 14,000 documents 11:44	7 [REDACTED], or [REDACTED] and [REDACTED] of the [REDACTED] 11:47
8 you downloaded from Google in December 15 -- 11:44	8 [REDACTED] on the transmit PCBs for Fuji." 11:47
9 December 2015; correct? 11:44	9 MR. EHRLICH: Hold on. Let me read that 11:47
10 A On the advice and direction of my counsel, I 11:44	10 question. 11:47
11 respectfully decline to answer. And I assert the 11:44	11 I instruct you to assert your rights. 11:47
12 rights guaranteed to me under the Fifth Amendment to 11:44	12 THE WITNESS: On the advice and direction of 11:47
13 the Constitution of the United States. 11:44	13 my counsel, I respectfully decline to answer. And I 11:47
14 Q Uber would not have been able to have 11:44	14 assert the rights guaranteed to me under the Fifth 11:47
15 developed the board design attached to the 11:44	15 Amendment to the Constitution of the United States. 11:47
16 December 13, 2016, [REDACTED] e-mail without using 11:44	16 MR. PERLSON: Q. Is it correct that the 11:47
17 information contained in the 14,000 documents you 11:45	17 current Fuji system borrows technology from each of 11:47
18 downloaded from Google in 2 -- December 2015; correct? 11:45	18 Otto, Tyto, and Odin Wave? 11:47
19 A On the advice and direction of my counsel, I 11:45	19 A On the advice and direction of my counsel, I 11:48
20 respectfully decline to answer. And I assert the 11:45	20 respectfully decline to answer. And I assert the 11:48
21 rights guaranteed to me under the Fifth Amendment to 11:45	21 rights guaranteed to me under the Fifth Amendment to 11:48
22 the Constitution of the United States. 11:45	22 the Constitution of the United States. 11:48
23 MR. EHRLICH: Do you need a break? 11:45	23 Q At Uber, your team is experience -- 11:48
24 THE WITNESS: I'm okay. 11:45	24 experimenting with [REDACTED] is that 11:48
25 MR. EHRLICH: Do you need a break? We can 11:45	25 correct? 11:48
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1 A On the advice and direction of my counsel, I 11:48  
2 respectfully decline to answer. And I assert the 11:48  
3 rights guaranteed to me under the Fifth Amendment to 11:48  
4 the Constitution of the United States. 11:49  
5 Q At Uber, your team is experiment -- 11:49  
6 experimenting with [REDACTED] to help 11:49  
7 build a [REDACTED] 11:49  
8 correct? 11:49  
9 A On the advice and direction of my counsel, I 11:49  
10 respectfully decline to answer. And I assert the 11:49  
11 rights guaranteed to me under the Fifth Amendment to 11:49  
12 the Constitution of the United States. 11:49  
13 Q At Uber, your team is developing [REDACTED] 11:49  
[REDACTED]  
[REDACTED]  
[REDACTED] 11:49  
17 A On the advice and direction of my counsel, I 11:49  
18 respectfully decline to answer. And I assert the 11:49  
19 rights guaranteed to me under the Fifth Amendment to 11:49  
20 the Constitution of the United States. 11:49  
21 Q The [REDACTED] that your 11:49  
22 team is working on at Uber relies on [REDACTED] 11:49  
23 technology; correct? 11:49  
24 A On the advice and direction of my counsel, I 11:50  
25 respectfully decline to answer. 11:50  
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1 Q The fi -- oh, sorry. 11:50  
2 A That's okay. 11:50  
3 And I assert the rights guaranteed to me 11:50  
4 under the Fifth Amendment to the Constitution of the 11:50  
5 United States. 11:50  
6 Q The [REDACTED] laser technology your team is 11:50  
7 working on at Uber uses a [REDACTED] 11:50  
8 [REDACTED]; correct? 11:50  
9 A On the advice and direction of my counsel, I 11:50  
10 respectfully decline to answer. And I assert the 11:50  
11 rights guaranteed to me under the Fifth Amendment to 11:50  
12 the Constitution of the United States. 11:50  
13 Q The [REDACTED] technology your team is 11:50  
14 working on at Uber uses [REDACTED] 11:50  
[REDACTED] 11:50  
16 correct? 11:50  
17 A On the advice and direction of my counsel, I 11:50  
18 respectfully decline to answer. And I'm asserting the 11:50  
19 rights guaranteed to me under the Fifth Amendment to 11:50  
20 the Constitution of the United States. 11:51  
21 Q While you were at Google, Google's 11:51  
22 self-driving car project used [REDACTED] [REDACTED]  
[REDACTED] 11:51  
[REDACTED]; correct? 11:51  
25 A On the advice and direction of my counsel, I 11:51  
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1 respectfully decline to answer. And I assert the 11:51  
2 rights guaranteed to me under the Fifth Amendment to 11:51  
3 the Constitution of the United States. 11:51  
4 Q [REDACTED] [REDACTED]  
[REDACTED] is not generally 11:51  
7 known; correct? 11:52  
8 A This is a general question. 11:52  
9 MR. EHRLICH: Let -- let me read it. 11:52  
10 MR. PERLSON: Let -- let me -- let me ask it 11:52  
11 again. 11:52  
12 THE WITNESS: Okay. 11:52  
13 MR. PERLSON: Q. Before you left Google, 11:52  
14 [REDACTED] [REDACTED]  
[REDACTED] was not generally 11:52  
17 known; correct? 11:52  
18 A On the advice and direction of my counsel, I 11:52  
19 respectfully decline to answer. And I assert the 11:52  
20 rights guaranteed to me under the Fifth Amendment to 11:52  
21 the Constitution of the United States. 11:53  
22 Q Uber's use of [REDACTED]  
[REDACTED] is not generally 11:53  
25 known; correct? 11:53  
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1 A On -- on the advice and direction of my 11:53  
2 counsel, I respectfully decline to answer. And I 11:53  
3 assert the rights guaranteed to me under the Fifth 11:53  
4 Amendment to the Constitution to the United States. 11:53  
5 Q The -- since -- let's start over. 11:53  
6 During your work at Otto, you did work in 11:54  
7 relation -- let me start over again. 11:54  
8 Otto did development work regarding a LiDar 11:54  
9 system that uses a common transmit and receive lens; 11:54  
10 correct? 11:54  
11 A On the advice and direction of my counsel, I 11:54  
12 respectfully decline to answer. And I assert the 11:54  
13 rights guaranteed to me under the Fifth Amendment to 11:54  
14 the Constitution of the United States. 11:54  
15 Q Otto developed a prototype LiDar system that 11:54  
16 used a common transmit/receive lens; correct? 11:54  
17 A On the advice and direction of my counsel, I 11:54  
18 respectfully decline to answer. And I assert the 11:54  
19 rights guaranteed to me under the Fifth Amendment to 11:54  
20 the Constitution of the United States. 11:55  
21 Q Otto tested a LiDar system that used a common 11:55  
22 transmit/receive lens; correct? 11:55  
23 A On the advice and direction of my counsel, I 11:55  
24 respectfully decline to answer. And I assert the 11:55  
25 rights guaranteed to me under the Fifth Amendment to 11:55  
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1 the Constitution of the United States. 11:55	1 of patent infringement? 11:59
2 Q If a LiDar system that uses a common 11:55	2 MS. RAY: Objection; form. 11:59
3 transmit/receive lens does not presently exist at 11:55	3 THE WITNESS: On the advice and direction of 11:59
4 Uber, it is because it was destroyed; correct? 11:55	4 my counsel, I respectfully decline to answer. And I 11:59
5 A On the advice and direction of my counsel, I 11:56	5 assert the rights guaranteed to me under the Fifth 11:59
6 respectfully decline to answer. And I assert the 11:56	6 Amendment to the Constitution of the United States. 11:59
7 rights guaranteed to me under the Fifth Amendment to 11:56	7 MR. PERLSON: Q. Management at Uber 11:59
8 the Constitution of the United States. 11:56	8 instructed you and Otto employees to destroy 11:59
9 Q While at Uber -- let me start over again. 11:56	9 prototypes to hide the existence of trade secret 11:59
10 Since your employment with Google ended, you 11:56	10 misappropriation? 11:59
11 have done work on LiDar systems at Otto and Uber where 11:56	11 MS. RAY: Objection; form. 11:59
12 the transmit and receive paths overlap -- 11:56	12 THE WITNESS: On the advice and direction of 11:59
13 MS. RAY: Objection; form. 11:56	13 my counsel, I respectfully decline to answer. And I 11:59
14 MR. PERLSON: Q. -- correct? 11:56	14 assert the rights guaranteed to me under the Fifth 11:59
15 A On the advice and direction of my counsel, I 11:56	15 Amendment to the Constitution of the United States. 11:59
16 respectfully decline to answer. And I assert the 11:56	16 MR. PERLSON: Q. When you were employed by 11:59
17 rights guaranteed to me under the Fifth Amendment to 11:56	17 Google, you had a duty to keep Google confidential 11:59
18 the Uni- -- to the Constitution of the United States. 11:57	18 information secret; correct? 12:00
19 Q Since your employment with Google ended, you 11:57	19 A On the advice and direction of my counsel, I 12:00
20 have done work on LiDar systems at Otto and Uber, 11:57	20 respectfully decline to answer. And I assert the 12:00
21 where the transmit and receive paths overlap and 11:57	21 rights guaranteed to me under the Fifth Amendment to 12:00
22 prototypes of such a system existed? 11:57	22 the Constitution of the United States. 12:00
23 MS. RAY: Objection; form. 11:57	23 Q You understood that were you to disclose 12:00
24 THE WITNESS: On the advice and direction of 11:57	24 confidential and proprietary information of Google to 12:00
25 my counsel, I respectfully decline to answer. And I 11:57	25 those outside of Google without Google's permission, 12:00
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1 assert the rights guaranteed to me under the Fifth 11:57	1 that that would be a breach of your duty of loyalty as 12:00
2 Amendment to the Constitution of the United States. 11:57	2 an employee to Google? 12:00
3 MR. PERLSON: Q. If a prototype of work you 11:57	3 A On the advice and direction of my counsel, I 12:00
4 did on LiDar systems at Otto, and Uber where the 11:57	4 respectfully decline to answer. And I assert the 12:00
5 transmit and receive paths overlap does not exist, it 11:57	5 rights guaranteed to me under the Fifth Amendment to 12:00
6 is because such a prototype has been destroyed? 11:58	6 the Constitution of the United States. 12:00
7 A On the advice and direction of my counsel, I 11:58	7 Q And, despite that understanding of the duty 12:00
8 respectfully decline to answer. And I assert the 11:58	8 to keep confidential, confidential and proprietary 12:00
9 rights guaranteed to me under the Fifth Amendment to 11:58	9 information of Google, you took such confidential and 12:01
10 the Constitution of the United States. 11:58	10 proprietary information with you to your work at Otto 12:01
11 Q Any destruction of any Otto prototypes would 11:58	11 and Uber? 12:01
12 have been done at the instruction of Uber; correct? 11:58	12 A On the advice and direction of my counsel, I 12:01
13 A On the advice and direction of my counsel, I 11:58	13 respectfully decline to answer. And I assert the 12:01
14 respectfully decline to answer. And I assert the 11:58	14 rights guaranteed to me under the Fifth Amendment to 12:01
15 rights guaranteed to me under the Fifth Amendment to 11:58	15 the Constitution of the United States. 12:01
16 the Constitution of the United States. 11:58	16 Q And the taking of that information was done 12:01
17 Q There has been instruction from management at 11:58	17 at the direction and with knowledge of Uber 12:01
18 Uber to you to destroy prototypes that existed and 11:58	18 management; correct? 12:01
19 were designed at Uber? 11:58	19 A On the advice and direction of my counsel, I 12:01
20 A On the advice and direction of my counsel, I 11:58	20 respectfully decline to answer. And I assert the 12:01
21 respectfully decline to answer. And I assert the 11:58	21 rights guaranteed to me under the Fifth Amendment to 12:01
22 rights guaranteed to me under the Fifth Amendment to 11:58	22 the Constitution of the United States. 12:01
23 the Constitution of the United States. 11:59	23 Q And you continue to use that confidential and 12:01
24 Q Management at Uber instructed you and Otto 11:59	24 proprietary information that you took from Google at 12:01
25 employees to destroy prototypes to hide the existence 11:59	25 your work at Google [sic]? 12:01
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<p>1 A On the advice and direction of my counsel, I 12:02</p> <p>2 respectfully decline to answer. And I assert the 12:02</p> <p>3 rights guaranteed to me under the Fifth Amendment to 12:02</p> <p>4 the United States -- to the Constitution of the 12:02</p> <p>5 United States. 12:02</p> <p>6 Q And that use of confidential and proprietary 12:02</p> <p>7 information that you took from Google is at the 12:02</p> <p>8 direction of and with the knowledge of Uber 12:02</p> <p>9 management? 12:02</p> <p>10 A On the advice and direction of my counsel, I 12:02</p> <p>11 respectfully decline to answer. And I assert the 12:02</p> <p>12 rights guaranteed to me under the Fifth Amendment of 12:02</p> <p>13 the Constitution of the United States. 12:02</p> <p>14 MR. PERLSON: Why don't we take a break. 12:02</p> <p>15 MR. EHRLICH: Okay. 12:02</p> <p>16 THE VIDEOGRAPHER: Going off the record. The 12:02</p> <p>17 time is 12:02. 12:02</p> <p>18 (Lunch break taken at 12:02 p.m.) 12:02</p> <p>19 ---oOo---</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">Page 110</p>	<p>1 A On the advice and direction of my counsel, I 13:07</p> <p>2 respectfully decline to answer. And I assert the 13:07</p> <p>3 rights guaranteed to me under the Fifth Amendment -- 13:07</p> <p>4 Q You did not -- 13:07</p> <p>5 A -- to the Constitution of the United States. 13:08</p> <p>6 Q Sorry. 13:08</p> <p>7 A Sorry. I apologize. 13:08</p> <p>8 Q You did not disclose to Google your 13:08</p> <p>9 involvement with 510 Systems and Anthony's Robots 13:08</p> <p>10 before Google discovered your involvement with them; 13:08</p> <p>11 correct? 13:08</p> <p>12 A On the advice and direction of my counsel, I 13:08</p> <p>13 respectfully decline to answer. And I assert the 13:08</p> <p>14 rights guaranteed to me under the Fifth Amendment to 13:08</p> <p>15 the Constitution of the United States. 13:08</p> <p>16 Q When Google discovered that you were involved 13:08</p> <p>17 in 510 Systems and Anthony's Robots, it thought -- it 13:08</p> <p>18 was concerned about potential conflicts; correct? 13:08</p> <p>19 A On the advice and direction of my counsel, I 13:08</p> <p>20 respectfully decline to answer. And I assert the 13:08</p> <p>21 rights guaranteed to me under the Fifth Amendment to 13:08</p> <p>22 the Constitution of the United States. 13:08</p> <p>23 Q And, given Google's concerns regarding the 13:08</p> <p>24 conflict, you entered into a side agreement with 13:09</p> <p>25 Google regarding 510 Systems and Anthony's Robots? 13:09</p> <p style="text-align: right;">Page 112</p>
<p>1 AFTERNOON SESSION 12:13</p> <p>2 1:06 P.M. 12:13</p> <p>3 12:13</p> <p>4 12:13</p> <p>5 THE VIDEOGRAPHER: We are back on the record. 12:29</p> <p>6 The time is 1:06. 13:06</p> <p>7 MR. PERLSON: Q. Mr. Levandowski, while you 13:07</p> <p>8 were employed at Google, you started a company called 13:07</p> <p>9 510 Systems; correct? 13:07</p> <p>10 A On the advice and direction of my counsel, I 13:07</p> <p>11 respectfully decline to answer. 13:07</p> <p>12 Q While you were at Google -- 13:07</p> <p>13 A Oh, wait. Sorry. My microphone fell off. 13:07</p> <p>14 And I assert the rights guaranteed to me 13:07</p> <p>15 under the Fifth Amendment to the Constitution of the 13:07</p> <p>16 United States. 13:07</p> <p>17 Q While you were at Google, you started a 13:07</p> <p>18 company called Anthony's Robots LLC; correct? 13:07</p> <p>19 A On the advice of -- and direction of my 13:07</p> <p>20 counsel, I respectfully decline to answer. And I 13:07</p> <p>21 assert the rights guaranteed to me under the Fifth 13:07</p> <p>22 Amendment to the Constitution of the United States. 13:07</p> <p>23 Q And your employment with Google overlapped 13:07</p> <p>24 with your involvement with 510 Systems and Anthony's 13:07</p> <p>25 Robots; correct? 13:07</p> <p style="text-align: right;">Page 111</p>	<p>1 A On the advice and direction of my counsel, I 13:09</p> <p>2 respectfully decline to answer. And I assert the 13:09</p> <p>3 rights guaranteed to me under the Fifth Amendment to 13:09</p> <p>4 the Constitution of the United States. 13:09</p> <p>5 Q And 510 Systems was doing work on 13:09</p> <p>6 self-driving car technology between 2009 and 2011; 13:09</p> <p>7 correct? 13:09</p> <p>8 A On the advice and direction of my counsel, I 13:09</p> <p>9 respectfully decline to answer. And I assert the 13:09</p> <p>10 rights guaranteed to me under the Fifth Amendment to 13:09</p> <p>11 the Constitution of the United States. 13:09</p> <p>12 Q Given what happened with 510 Systems and 13:09</p> <p>13 Anthony's Robots, you were aware of Google's concern 13:09</p> <p>14 with you operating side businesses that related to 13:09</p> <p>15 your work at Google; correct? 13:10</p> <p>16 A On the advice of -- on the advice and 13:10</p> <p>17 direction of my counsel, I respectfully decline to 13:10</p> <p>18 answer. And I assert the rights guaranteed to me 13:10</p> <p>19 under the Fifth Amendment to the Constitution to the 13:10</p> <p>20 United States. 13:10</p> <p>21 Q You used confidential information from Google 13:10</p> <p>22 to help develop technology at 510 Systems; correct? 13:10</p> <p>23 A On the advice and direction of my counsel, I 13:10</p> <p>24 respectfully decline to answer. And I assert the 13:10</p> <p>25 rights guaranteed to me under the Fifth Amendment to 13:10</p> <p style="text-align: right;">Page 113</p>



<p>1 the Constitution of the United States. 13:10</p> <p>2 Q You brought Google Street View source code to 13:10</p> <p>3 510 Systems in order to [REDACTED] [REDACTED]</p> <p>[REDACTED] correct? 13:10</p> <p>5 A On the advice and direction of my counsel, I 13:10</p> <p>6 respectfully decline to answer. And I assert the 13:10</p> <p>7 rights guaranteed to me under the Fifth Amendment to 13:10</p> <p>8 the Constitution of the United States. 13:11</p> <p>9 Q You misused Google's confidential source code 13:11</p> <p>10 to help advance 510 Systems' technology; didn't you? 13:11</p> <p>11 A On the advice and direction of my counsel, I 13:11</p> <p>12 respectfully decline to answer. And I assert the 13:11</p> <p>13 rights guaranteed to me under the Fifth Amendment to 13:11</p> <p>14 the Constitution of the United States. 13:11</p> <p>15 Q The Little Bear system at 510 Systems was 13:11</p> <p>16 named after a mountain; is that correct? 13:11</p> <p>17 A On the advice and direction of my counsel, I 13:11</p> <p>18 respectfully decline to answer. And I assert the 13:11</p> <p>19 rights guaranteed to me under the Fifth Amendment to 13:11</p> <p>20 the Constitution of the United States. 13:12</p> <p>21 Q And, while you were at Google, you developed 13:12</p> <p>22 LiDar systems that were named after mountains; 13:12</p> <p>23 correct? 13:12</p> <p>24 A On the advice and direction of my counsel, I 13:12</p> <p>25 respectfully decline to answer. And I assert the 13:12</p> <p>Page 114</p>	<p>1 A On the advice and direction of my counsel, I 13:14</p> <p>2 respectfully decline to answer. And I assert the 13:14</p> <p>3 rights guaranteed to me under the Fifth Amendment to 13:14</p> <p>4 the Constitution of the United States. 13:14</p> <p>5 Q And a still later version of LiDar at Google 13:14</p> <p>6 was Grizzly Bear 3; correct? 13:15</p> <p>7 A On the advice and direction of my counsel, I 13:15</p> <p>8 respectfully decline to answer. And I assert the 13:15</p> <p>9 rights guaranteed to me under the Fifth Amendment to 13:15</p> <p>10 the Constitution of the United States. 13:15</p> <p>11 Q And each of the development -- and the 13:15</p> <p>12 development from each of the different versions of 13:15</p> <p>13 LiDar at Google was a result of significant trial and 13:15</p> <p>14 error work by Google engineers; correct? 13:15</p> <p>15 A On the advice and direction of my counsel, I 13:15</p> <p>16 respectfully decline to answer. And I assert the 13:15</p> <p>17 rights guaranteed to me under the Fifth Amendment to 13:15</p> <p>18 the Constitution of the United States. 13:15</p> <p>19 Q And the development of LiDar through Grizzly 13:15</p> <p>20 Bear to Grizzly Bear 2 to Grizzly Bear 3 was the 13:15</p> <p>21 result of significant investment of time and money by 13:15</p> <p>22 Google; correct? 13:15</p> <p>23 A On the advice and direction of my counsel, I 13:15</p> <p>24 respectfully decline to answer. And I assert the 13:15</p> <p>25 rights guaranteed to me under the Fifth Amendment to 13:15</p> <p>Page 116</p>
<p>1 rights guaranteed to me under the Fifth Amendment to 13:12</p> <p>2 the Constitution of the United States. 13:12</p> <p>3 Q And the Fuji system at Uber is named after 13:12</p> <p>4 Mount Fuji; correct? 13:12</p> <p>5 A On the advice and direction of my counsel, I 13:12</p> <p>6 respectfully decline to answer. And I assert the 13:12</p> <p>7 rights guaranteed to me under the Fifth Amendment to 13:12</p> <p>8 the Constitution of the United States. 13:12</p> <p>9 Q And the reason that the Fuji system at Uber 13:12</p> <p>10 is named after Mount Fuji is that it is derived from 13:12</p> <p>11 Google technology that was also code named with names 13:13</p> <p>12 of mountains; correct? 13:13</p> <p>13 A On the advice and direction of my counsel, I 13:13</p> <p>14 respectfully decline to answer. And I assert the 13:13</p> <p>15 rights guaranteed to me under the Fifth Amendment to 13:13</p> <p>16 the Constitution of the United States. 13:13</p> <p>17 Q Google had a -- the first -- an early version 13:13</p> <p>18 of LiDar, during your work at Google, was called 13:14</p> <p>19 Grizzly Bear; correct? 13:14</p> <p>20 A On the advice and direction of my counsel, I 13:14</p> <p>21 respectfully decline to answer. And I assert the 13:14</p> <p>22 rights guaranteed to me under the Fifth Amendment to 13:14</p> <p>23 the Constitution of the United States. 13:14</p> <p>24 Q And the sec- -- and a later version of 13:14</p> <p>25 Google's LiDar was called Grizzly Bear 2; correct? 13:14</p> <p>Page 115</p>	<p>1 the Constitution of the United States. 13:16</p> <p>2 Q You are a named inventor on U.S. Patent 13:16</p> <p>3 Nos. 8,836,922 and 9,285,464; correct? 13:16</p> <p>4 MR. EHRLICH: Counsel, can I just ask the -- 13:16</p> <p>5 the date of those patent submissions, if that's the 13:16</p> <p>6 correct word, just so I can advise my client, if you 13:16</p> <p>7 know. 13:16</p> <p>8 MR. PERLSON: It was while he was at Google, 13:16</p> <p>9 if that helps. 13:16</p> <p>10 MR. EHRLICH: Okay. That helps. 13:16</p> <p>11 I'm going to advise you -- 13:16</p> <p>12 THE WITNESS: Okay. 13:16</p> <p>13 MR. EHRLICH: -- to assert your rights then. 13:16</p> <p>14 THE WITNESS: On the advice and direction of 13:16</p> <p>15 my counsel, I respectfully de- -- decline to answer. 13:16</p> <p>16 And I assert the rights guaranteed to me under the 13:16</p> <p>17 Fifth Amendment to the Constitution of the United 13:16</p> <p>18 States. 13:16</p> <p>19 MR. PERLSON: Q. You agree that you assigned 13:16</p> <p>20 all your rights and interests to the -- in the 13:16</p> <p>21 '922 patent and '464 patent to Google? 13:17</p> <p>22 A On the advice and direction of my counsel, I 13:17</p> <p>23 respectfully decline to answer. And I assert the 13:17</p> <p>24 rights guaranteed to me under the Fifth Amendment to 13:17</p> <p>25 the Constitution of the United States. 13:17</p> <p>Page 117</p>

1 Q You are currently employed at Uber 13:17	1 rights guaranteed to me under the Fifth Amendment to 13:19
2 Technologies, Inc.? 13:17	2 the Constitution of the United States. 13:19
3 MR. EHRLICH: You can answer. 13:17	3 Q You have an equity interest in Uber 13:19
4 THE WITNESS: Yes. 13:17	4 Technologies, Inc.; correct? 13:19
5 MR. PERLSON: Q. Uber is affiliated with 13:17	5 A On the advice of my counsel, I respectively 13:19
6 Ottomoto, LLC and Otto Trucking, LLC? 13:17	6 decline to answer. And I assert the rights guaranteed 13:19
7 MS. RAY: Objection; form. 13:17	7 to me under the Fifth Amendment to the Constitution of 13:19
8 MR. EHRLICH: You can answer. 13:17	8 the United States. 13:19
9 THE WITNESS: Yes. 13:17	9 Q You have an equity interest in Ottomoto, LLC; 13:19
10 MR. PERLSON: Q. You were hired at Uber to 13:17	10 correct? 13:19
11 oversee its self-driving car technology; correct? 13:17	11 A On the advice and direction of my counsel, I 13:19
12 MR. EHRLICH: I'm going to advise you to 13:17	12 respectfully decline to answer. And I assert the 13:19
13 assert your rights. 13:17	13 rights guaranteed to me under the Fifth Amendment to 13:19
14 THE WITNESS: On the advice and direction of 13:17	14 the Constitution of the United States. 13:20
15 my counsel, I respectfully decline to answer. And I 13:17	15 Q You have an equity interest in Otto Trucking, 13:20
16 assert the rights guaranteed to me under the Fifth 13:17	16 LLC; correct? 13:20
17 Amendment to the Constitution of the United States. 13:18	17 A On the advice and direction of my counsel, I 13:20
18 MR. PERLSON: I had a streak of 13:18	18 respectfully decline to answer. And I assert the 13:20
19 two questions. 13:18	19 rights guaranteed to me under the Fifth Amendment to 13:20
20 THE WITNESS: I know. It was -- keep going. 13:18	20 the Constitution of the United States. 13:20
21 MR. EHRLICH: Very impressive. 13:18	21 Q While you were at Goo- -- at Google, Google 13:20
22 THE WITNESS: It's good. 13:18	22 employees had a duty to keep confidential information 13:20
23 MR. PERLSON: Q. The -- you agree that, 13:18	23 of Google confidential; correct? 13:20
24 after you joined, Uber continued to develop its 13:18	24 A On the -- on the advice and direction of my 13:20
25 self-driving car technology; correct? 13:18	25 counsel, I respectfully decline to answer. And I 13:20
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1 A On the advice and direction of my counsel, I 13:18	1 assert the rights guaranteed to me under the Fifth 13:20
2 respectfully decline to answer. And I assert the 13:18	2 Amendment to the Constitution of the United States. 13:20
3 rights guaranteed to me under the Fifth Amendment to 13:18	3 Q While you were at Google, Google required 13:20
4 the Constitution of the United States. 13:18	4 employees to password protect their computers and 13:20
5 Q You agree that you were involved in Uber's 13:18	5 other hardware; correct? 13:20
6 decision-making process to continue developing its 13:18	6 A On the advice and direction of my counsel, I 13:20
7 self-driving car technology; correct? 13:18	7 respectfully decline to answer. And I assert the 13:20
8 A On the advice and direction of my counsel, I 13:18	8 rights guaranteed to me under the Fifth Amendment to 13:20
9 respectfully decline to answer. And I assert the 13:18	9 the Constitution of the United States. 13:21
10 rights guaranteed to me under the Fifth Amendment to 13:18	10 Q While you were at Google, Google's networks 13:21
11 the Constitution of the United States. 13:18	11 and other storage repositories were password 13:21
12 Q You agree that Uber began developing its 13:18	12 protected; correct? 13:21
13 current self-driving car technology around the same 13:19	13 A On the advice and direction of my counsel, I 13:20
14 time you joined Uber; correct? 13:19	14 respectfully decline to answer. And I assert the 13:20
15 MS. RAY: Objection to form. 13:19	15 rights guaranteed to me under the Fifth Amendment to 13:20
16 MR. EHRLICH: You can answer. 13:19	16 the Constitution of the United States. 13:21
17 THE WITNESS: Okay. 13:19	17 Q While you were at Google, Google monitored 13:21
18 On the advice and direction of my counsel, I 13:19	18 use and access to its devices and networks for 13:21
19 respectfully decline to answer. And I assert the 13:19	19 security purposes; correct? 13:21
20 rights guaranteed to me under the Fifth Amendment to 13:19	20 A On the advice and direction of my counsel, I 13:20
21 the Constitution of the United States. 13:19	21 respectfully decline to answer. And I assert the 13:20
22 MR. PERLSON: Q. You have a leadership role 13:19	22 rights guaranteed to me under the Fifth Amendment to 13:20
23 at Uber Technologies, Inc.; correct? 13:19	23 the Constitution of the United States. 13:21
24 A On the advice and direction of my counsel, I 13:19	24 Q You understand that, while you were at 13:21
25 respectfully decline to answer. And I assert the 13:19	25 Google, Google maintained security software to prevent 13:21
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1 unauthorized access; correct? 13:21	1 A On the -- 13:23
2 A On the advice and direction of my counsel, I 13:20	2 Q -- correct? 13:24
3 respectfully decline to answer. And I assert the 13:20	3 A On the advice and direction of my counsel, I 13:20
4 rights guaranteed to me under the Fifth Amendment to 13:20	4 respectfully decline to answer. And I assert the 13:20
5 the Constitution of the United States. 13:22	5 rights guaranteed to me under the Fifth Amendment to 13:20
6 Q While you were at Google, Google provided 13:22	6 the Constitution of the United States. 13:24
7 network security training to employees with access to 13:22	7 Q While you were at Google, Google's SVN server 13:24
8 networks? 13:22	8 was limited to only those on a need-to-know basis? 13:24
9 A On the advice and direction of my counsel, I 13:22	9 A On the advice and direction of my counsel, I 13:20
10 respectfully decline to answer. And I assert the 13:22	10 respectfully decline to answer. And I assert the 13:20
11 rights guaranteed to me under the Fifth Amendment to 13:22	11 rights guaranteed to me under the Fifth Amendment to 13:20
12 the Constitution of the United States. 13:22	12 the Constitution of the United States. 13:24
13 Q While you were at Google, Google generally 13:22	13 Q While you were at Google, the SVN server 13:24
14 limited application access and network access 13:22	14 required specialized software to access; correct? 13:24
15 containing sensitive material to users with a need to 13:22	15 A On the advice and direction of my counsel, I 13:20
16 know; correct? 13:22	16 respectfully decline to answer. And I assert the 13:20
17 A On the advice and direction of my counsel, I 13:20	17 rights guaranteed to me under the Fifth Amendment to 13:20
18 respectfully decline to answer. And I assert the 13:20	18 the Constitution of the United States. 13:24
19 rights guaranteed to me under the Fifth Amendment to 13:20	19 Q While you were at Google, Google took 13:24
20 the Constitution of the United States. 13:22	20 reasonable measures to protect the secrecy of its SVN 13:24
21 Q While you were at Google, Google had a policy 13:22	21 server; correct? 13:24
22 requiring its employees to safeguard its computer 13:22	22 A On the advice and direction of my counsel, I 13:24
23 networks and digital information; correct? 13:22	23 respectfully decline to answer. And I assert the 13:24
24 A On the advice and direction of my counsel, I 13:20	24 rights guaranteed to me under the Fifth Amendment to 13:24
25 respectfully decline to answer. And I assert the 13:20	25 the Constitution of the United States. 13:24
Page 122	Page 124
1 rights guaranteed to me under the Fifth Amendment to 13:20	1 Q Do you agree that Google Waymo outside 13:24
2 the Constitution of the United States. 13:22	2 vendors were generally required to sign nondisclosure 13:25
3 Q While you were at Google, Google had a policy 13:22	3 statements? 13:25
4 against its employees accessing its digital 13:23	4 MS. RAY: Objection; form. 13:25
5 information for reasons unrelated to business 13:23	5 THE WITNESS: On the advice and direction of 13:25
6 activities; correct? 13:23	6 my counsel, I respectfully decline to answer. And I 13:25
7 A On the advice and direction of my counsel, I 13:23	7 assert the rights guaranteed to me under the Fifth 13:25
8 respectfully decline to answer. And I assert the 13:23	8 Amendment to the Constitution of the United States. 13:25
9 rights guaranteed to me under the Fifth Amendment to 13:23	9 MR. PERLSON: Q. Do you recall the passwords 13:25
10 the Constitution of the United States. 13:23	10 to any of your Google computers? 13:25
11 Q While you were at Google, Google took 13:23	11 A On the advice and direction of my counsel, I 13:20
12 reasonable measures to protect the secrecy of its 13:23	12 respectfully decline to answer. And I assert the 13:20
13 networks and digital information; correct? 13:23	13 rights guaranteed to me under the Fifth Amendment to 13:20
14 A On the advice and direction of my counsel, I 13:20	14 the Constitution of the United States. 13:25
15 respectfully decline to answer. And I assert the 13:20	15 Q You owned a company and still own -- let me 13:25
16 rights guaranteed to me under the Fifth Amendment to 13:20	16 start over again. 13:25
17 the Constitution of the United States. 13:23	17 While you were at Google and to this day, you 13:25
18 Q While you were at Google, Google's SVN server 13:23	18 have an ownership interest in Dogwood Leasing; 13:25
19 was password protected? 13:23	19 correct? 13:25
20 A On the advice and direction of my counsel, I 13:20	20 A On the advice and direction of my counsel, I 13:20
21 respectfully decline to answer. And I assert the 13:20	21 respectfully decline to answer. And I assert the 13:20
22 rights guaranteed to me under the Fifth Amendment to 13:20	22 rights guaranteed to me under the Fifth Amendment to 13:20
23 the Constitution of the United States. 13:23	23 the Constitution of the United States. 13:25
24 Q While you were at Google, Google's SVN server 13:23	24 Q Dogwood Leasing engages, and has engaged, in 13:25
25 was limited to only certain employees -- 13:23	25 business that relate to self-driving car technology? 13:26
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<p>1 A On the advice and direction of my counsel, I 13:20 2 respectfully decline to answer. And I assert the 13:20 3 rights guaranteed to me under the Fifth Amendment to 13:20 4 the Constitution of the United States. 13:26 5 Q You employed Asheem Linval at Dogwood Leasing 13:26 6 for self-driving car technology; correct? 13:26 7 A On the advice and direction of my counsel, I 13:20 8 respectfully decline to answer. And I assert the 13:20 9 rights guaranteed to me under the Fifth Amendment to 13:20 10 the Constitution of the United States. 13:26 11 Q You asked Mr. Linval to use confidential 13:26 12 information he learned while at Google in connection 13:26 13 with his work at Dogwood Leasing; correct? 13:26 14 A On the advice and direction of my counsel, I 13:20 15 respectfully decline to answer. And I assert the 13:20 16 rights guaranteed to me under the Fifth Amendment to 13:20 17 the Constitution of the United States. 13:27 18 Q You started Odin Wave while you were still 13:27 19 working at Google? 13:27 20 A On the advice and direction of my counsel, I 13:20 21 respectfully decline to answer. And I assert the 13:20 22 rights guaranteed to me under the Fifth Amendment to 13:20 23 the Constitution of the United States. 13:27 24 Q You had to move the location of Odin Wave 13:27 25 because you were concerned that Google may find out 13:27 Page 126</p>	<p>1 respectfully decline to answer. And I assert the 13:20 2 rights guaranteed to me under the Fifth Amendment to 13:20 3 the Constitution of the United States. 13:28 4 Q Were you involved in technology development 13:28 5 at Odin Wave? 13:28 6 A On the advice and direction of my counsel, I 13:20 7 respectfully decline to answer. And I assert the 13:20 8 rights guaranteed to me under the Fifth Amendment to 13:20 9 the Constitution of the United States. 13:29 10 Q Were you paying individuals to work at 13:29 11 Odin Wave? 13:29 12 A On the advice and direction of my counsel, I 13:29 13 respectfully decline to answer. And I assert the 13:29 14 rights guaranteed to me under the Fifth Amendment to 13:29 15 the Constitution of the United States. 13:29 16 Q Isn't it correct that Odin Wave ordered parts 13:29 17 from [REDACTED] that were similar to parts used by Google in 13:29 18 its own LiDar system? 13:29 19 A On the advice and direction of my counsel, I 13:20 20 respectfully decline to answer. And I assert the 13:20 21 rights guaranteed to me under the Fifth Amendment to 13:20 22 the Constitution of the United States. 13:29 23 Q In 2013, [REDACTED] called Google because it had an 13:29 24 order from Odin Wave that was so similar to parts used 13:29 25 by Google; correct? 13:29 Page 128</p>
<p>1 about its existence? 13:27 2 A On the advice and direction of my counsel, I 13:20 3 respectfully decline to answer. And I assert the 13:20 4 rights guaranteed to me under the Fifth Amendment to 13:20 5 the Constitution of the United States. 13:27 6 Q You used Google confidential information at 13:27 7 Odin Wave; correct? 13:27 8 A On the advice and direction of my counsel, I 13:20 9 respectfully decline to answer. And I assert the 13:20 10 rights guaranteed to me under the Fifth Amendment to 13:20 11 the Constitution of the United States. 13:28 12 Q Did you have an ownership interest in 13:28 13 Odin Wave? 13:28 14 A On the advice and direction of my counsel, I 13:20 15 respectfully decline to answer. And I assert the 13:20 16 rights guaranteed to me under the Fifth Amendment to 13:20 17 the Constitution of the United States. 13:28 18 Q Did you have a managerial role at Odin Wave? 13:28 19 A On the advice and direction of my counsel, I 13:20 20 respectfully dis- -- decline to answer. And I assert 13:20 21 the rights guaranteed to me under the Fifth Amendment 13:20 22 to the Constitution of the United States. 13:28 23 Q Were you involved in the day-to-day 13:28 24 operations at Odin Wave? 13:28 25 A On the advice and direction of my counsel, I 13:20 Page 127</p>	<p>1 A On the advice and direction of my counsel, I 13:20 2 respectfully decline to answer. And I assert the 13:20 3 rights guaranteed to me under the Fifth Amendment to 13:20 4 the Constitution of the United States. 13:30 5 Q And, because of this incident, Odin Wave 13:30 6 moved to a different location to get distance from 13:30 7 you; correct? 13:30 8 A On the advice and direction of my counsel, I 13:30 9 respectfully decline to answer. And I assert the 13:30 10 rights -- the rights guaranteed to me under the Fifth 13:30 11 Amendment to the Constitution of the United States. 13:30 12 Q Isn't it true that you were guiding Google 13:30 13 towards an in-house KBR solution so that you could use 13:30 14 that technology at Odin Wave? 13:30 15 A On the advice and direction of my counsel, I 13:20 16 respectfully decline to answer. And I assert the 13:20 17 rights guaranteed to me under the Fifth Amendment to 13:20 18 the Constitution of the United States. 13:30 19 Q You -- isn't it true that you directed 13:30 20 Odin Wave to file patent applications on its 13:31 21 technology development that stemmed from Google 13:31 22 confidential information? 13:31 23 A On the advice and direction of my counsel, I 13:20 24 respectfully decline to answer. And I assert the 13:20 25 rights guaranteed to me under the Fifth Amendment to 13:20 Page 129</p>



<p>1 the Constitution of the United States. 13:31</p> <p>2 Q Odin Wave renamed itself to Tyto LiDAR; 13:31</p> <p>3 correct? 13:31</p> <p>4 A On the advice and direction of my counsel, I 13:20</p> <p>5 respectfully decline to answer. And I assert the 13:20</p> <p>6 rights guaranteed to me under the Fifth Amendment to 13:20</p> <p>7 the Constitution of the United States. 13:31</p> <p>8 Q Odin Wave was renamed to Tyto LiDAR in order 13:31</p> <p>9 to conceal your involvement; correct? 13:31</p> <p>10 A On the advice and direction of my counsel, I 13:20</p> <p>11 respectfully decline to answer. And I assert the 13:20</p> <p>12 rights guaranteed to me under the Fifth Amendment to 13:20</p> <p>13 the Constitution of the United States. 13:31</p> <p>14 Q After the name change, Tyto -- Tyto LiDAR 13:31</p> <p>15 continued in the same business with the same employees 13:31</p> <p>16 as Odin Wave; correct? 13:32</p> <p>17 A On the advice and direction of my counsel, I 13:20</p> <p>18 respectfully decline to answer. And I assert the 13:20</p> <p>19 rights guaranteed to me under the Fifth Amendment to 13:20</p> <p>20 the Constitution of the United States. 13:32</p> <p>21 Q You had an ownership interest in Tyto LiDAR; 13:32</p> <p>22 correct? 13:32</p> <p>23 A On the advice and direction of my counsel, I 13:20</p> <p>24 respectfully decline to answer. And I assert the 13:20</p> <p>25 rights granted to me under the Fifth Amendment to the 13:20</p> <p>Page 130</p>	<p>1 A On the advice and direction of my counsel, I 13:20</p> <p>2 respectfully decline to answer. And I assert the 13:20</p> <p>3 rights granted to me under the Fifth Amendment to the 13:20</p> <p>4 Constitution of the United States. 13:33</p> <p>5 Q You did not disclose your involvement with 13:33</p> <p>6 Tyto LiDAR to Google; correct? 13:33</p> <p>7 A On the advice and direction of my counsel, I 13:33</p> <p>8 respectfully decline to answer. And I assert the 13:33</p> <p>9 rights guaranteed to me under the Fifth Amendment to 13:33</p> <p>10 the Constitution of the United States. 13:34</p> <p>11 Q And in fact, you joined a Google team that 13:34</p> <p>12 visited Tyto facilities when [REDACTED] [REDACTED]</p> <p>[REDACTED], and you still did not tell Google that 13:34</p> <p>14 you had an ownership interest in Tyto? 13:34</p> <p>15 A On the advice and direction of my counsel, I 13:34</p> <p>16 respectfully decline to answer. And I assert the 13:34</p> <p>17 rights guaranteed to me under the Fifth Amendment to 13:34</p> <p>18 the Constitution of the United States. 13:34</p> <p>19 Q You attempted to influence Google's 13:34</p> <p>20 [REDACTED], even 13:34</p> <p>21 though you did not disclose that you had an ownership 13:34</p> <p>22 interest in Tyto LiDAR; correct? 13:34</p> <p>23 A On the advice and direction of my counsel, I 13:33</p> <p>24 respectfully decline to answer. And I assert the 13:33</p> <p>25 rights guaranteed to me under the Fifth Amendment to 13:33</p> <p>Page 132</p>
<p>1 Constitution of the United States. 13:32</p> <p>2 Q You had a managerial role at Tyto LiDAR; 13:32</p> <p>3 correct? 13:32</p> <p>4 A On the advice and direction of my counsel, I 13:20</p> <p>5 respectfully decline to answer. And I assert the 13:20</p> <p>6 rights guaranteed to me under the Fifth Amendment to 13:20</p> <p>7 the Constitution of the United States. 13:32</p> <p>8 Q You were involved in the day-to-day 13:32</p> <p>9 operations of -- at Tyto LiDAR; correct? 13:32</p> <p>10 A On the advice and direction of my counsel, I 13:20</p> <p>11 respectfully decline to answer. And I assert the 13:20</p> <p>12 rights granted to me under the Fifth Amendment to the 13:20</p> <p>13 Constitution of the United States. 13:32</p> <p>14 Q You were involved in the technology 13:32</p> <p>15 development at Tyto LiDAR; correct? 13:32</p> <p>16 A On the advice and direction of my counsel, I 13:20</p> <p>17 respectfully decline to answer. And I assert the 13:20</p> <p>18 rights guaranteed to me under the Fifth Amendment to 13:20</p> <p>19 the Constitution of the United States. 13:33</p> <p>20 Q You used Google -- start over. 13:33</p> <p>21 You used information taken from -- let me 13:33</p> <p>22 start over. 13:33</p> <p>23 You used confidential information taken from 13:33</p> <p>24 Google in connection with your work at Tyto LiDAR; 13:33</p> <p>25 correct? 13:33</p> <p>Page 131</p>	<p>1 the Constitution of the United States. 13:33</p> <p>2 Q You were positioning Tyto to [REDACTED]</p> <p>[REDACTED] [REDACTED]</p> <p>[REDACTED]; correct? 13:35</p> <p>6 A On the advice and direction of my counsel, I 13:33</p> <p>7 respectfully decline to answer. And I assert the 13:33</p> <p>8 rights guaranteed to me under the Fifth Amendment to 13:33</p> <p>9 the Constitution of the United States. 13:35</p> <p>10 Q You registered a domain name for 280 Systems 13:35</p> <p>11 in November 2015; correct? 13:35</p> <p>12 A On the advice and direction of my counsel, I 13:33</p> <p>13 respectfully decline to answer. And I assert the 13:33</p> <p>14 rights guaranteed to me under the Fifth Amendment to 13:33</p> <p>15 the Constitution of the United States. 13:35</p> <p>16 Q On February 11th, 2016, the corporation 13:35</p> <p>17 restated its name and stock as 280 Systems, Inc.; 13:35</p> <p>18 correct? 13:35</p> <p>19 A On the advice and direction of my counsel, I 13:35</p> <p>20 respectfully decline to answer. And I assert the 13:35</p> <p>21 rights guaranteed to me under the Fifth Amendment to 13:35</p> <p>22 the Constitution of the United States. 13:35</p> <p>23 Q On April 6, 2016, 280 Systems was re- -- 13:35</p> <p>24 renamed Ottomoto, Inc.; correct? 13:36</p> <p>25 A On the advice and direction of my counsel, I 13:33</p> <p>Page 133</p>

1 respectfully decline to answer. And I assert the 13:33	1 marked as Exhibit 25. 13:40
2 rights guaranteed to me under the Fifth Amendment to 13:33	2 Q Do you recognize this document? 13:40
3 the Constitution of the United States. 13:36	3 A On the advice and direction of my counsel, I 13:40
4 THE WITNESS: Can we take a break? I just 13:36	4 respectfully decline to answer. And I assert the 13:40
5 want to fill up my water. 13:36	5 rights guaranteed to me under the Fifth Amendment to 13:40
6 MR. PERLSON: Yeah. 13:36	6 the Constitution of the United States. 13:41
7 THE VIDEOGRAPHER: Going off the record. The 13:36	7 Q You agree that this is a schematic for Uber's 13:41
8 time is 1:36. 13:36	8 Fuji board; correct? 13:41
9 (Recess taken.) 13:36	9 A On the device -- on the advice and direction 13:41
10 THE VIDEOGRAPHER: We are back on the record. 13:37	10 of my counsel, I respectfully decline to answer. And 13:41
11 The time is 1:37. 13:37	11 I assert the rights guaranteed to me under the Fifth 13:41
12 MR. PERLSON: Q. Ottomoto acquired Tyto in 13:37	12 Amendment to the Constitution of the United States. 13:41
13 May 2016; correct? 13:37	13 Q Do you see that there are diodes in the 13:41
14 A On the advice and direction of my counsel, I 13:33	14 drawing on the far left? 13:41
15 respectfully decline to answer. And I assert the 13:33	15 A On the advice and direction of my counsel, I 13:41
16 rights guaranteed to me under the Fifth Amendment to 13:33	16 respectfully decline to answer. And I assert the 13:41
17 the Constitution of the United States. 13:37	17 rights guaranteed to me under the Fifth Amendment to 13:41
18 Q In August 2016 Uber acquired Ottomoto? 13:37	18 the Constitution of the United States. 13:41
19 A On the advice and direction of my counsel, I 13:33	19 Q The diodes are [REDACTED]; correct? 13:41
20 respectfully decline to answer. And I assert the 13:33	20 A On the advice and direction of my counsel, I 13:41
21 rights guaranteed to me under the Fifth Amendment to 13:33	21 respectfully decline to answer. And I assert the 13:41
22 the Constitution of the United States. 13:38	22 rights guaranteed to me under the Fifth Amendment to 13:41
23 Q Otto acquired Tyto LiDAR; correct? 13:38	23 the Constitution of the United States. 13:42
24 A On the advice and direction of my counsel, I 13:33	24 Q D1_TX1 is the [REDACTED] diode? 13:42
25 respectfully decline to answer. And I assert the 13:33	25 MR. EHRLICH: I don't know if it's possible 13:42
Page 134	Page 136
1 rights guaranteed to me under the Fifth Amendment to	1 to see. You can direct us, Counsel? 13:42
2 the Constitution of the United States.	2 MR. PERLSON: Do we need to get a magnifying 13:42
3 Q Otto acquired Tyto LiDAR in anticipation of	3 glass? 13:42
4 Otto being acquired by Uber; correct?	4 MR. SCHMIDT: Yeah. 13:42
5 A On the advice and direction of my counsel, I 13:33	5 MR. PERLSON: Q. Well, let me ask it -- let 13:42
6 respectfully decline to answer. And I assert the 13:33	6 me ask it this way: In -- in Uber -- in Uber's Fuji 13:42
7 rights agreed -- granted to me under the Fifth 13:33	7 board, the diode D1_TX1 is the [REDACTED] 13:42
8 Amendment to the Constitution of the United States. 13:38	8 diode? 13:43
9 Q Uber directed Otto to acquire Tyto LiDAR; 13:38	9 A On the advice and direction of my counsel, I 13:43
10 correct? 13:39	10 respectfully decline to answer. And I assert the 13:43
11 A On the advice and direction of my counsel, I 13:33	11 rights guaranteed to me under the Fifth Amendment to 13:43
12 respectfully decline to answer. And I assert the 13:33	12 the Constitution of the United States. 13:43
13 rights guaranteed to me under the Fifth Amendment to 13:33	13 Q And if the -- the next diode down is the 13:43
14 the Constitution of the United States. 13:39	14 [REDACTED] diode; correct? 13:43
15 Q Uber knew that you had been using Google 13:39	15 A On the advice and direction of my counsel, I 13:43
16 confidential information to develop Tyto LiDAR's 13:39	16 respectfully decline to answer. And I assert the 13:43
17 technology? 13:39	17 rights guaranteed to me under the Fifth Amendment to 13:43
18 A On the advice and direction of my counsel, I 13:33	18 the Constitution of the United States. 13:43
19 respectfully decline to answer. And I assert the 13:33	19 Q The diodes on the board shown on the far left 13:43
20 rights guaranteed to me under the Fifth Amendment to 13:33	20 are generally less [REDACTED] 13:43
21 the Constitution of the United States. 13:40	21 [REDACTED] correct? 13:43
22 (Document marked Exhibit 25 13:40	22 A On the advice and direction of my counsel, I 13:43
23 for identification.) 13:40	23 respectfully decline to answer. And I assert the 13:43
24 MS. RAY: May I have a copy? Thank you. 13:40	24 rights guaranteed to me under the Fifth Amendment to 13:43
25 MR. PERLSON: You've been handed what's been 13:40	25 the Constitution of the United States. 13:44
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<p>1 Q The [REDACTED] diodes on the board 13:44 2 on the -- shown on the upper left is [REDACTED] 13:44 3 [REDACTED] diode from the [REDACTED]? 13:44 4 A On the advice and direction of my counsel, I 13:44 5 respectfully decline to answer. And I assert the 13:44 6 rights guaranteed to me under the Fifth Amendment to 13:44 7 the Constitution of the United States. 13:44 8 Q There is a [REDACTED] between the [REDACTED] 13:44 9 [REDACTED] diode from the [REDACTED] correct? 13:44 10 A On the advice and direction of my counsel, I 13:44 11 respectfully decline to answer. And I assert the 13:44 12 rights guaranteed to me under the Fifth Amendment to 13:44 13 the Constitution of the United States. 13:44 14 Q The [REDACTED] the diodes [REDACTED] as the 13:44 15 [REDACTED] of the diode [REDACTED] 13:44 16 correct? 13:44 17 A On the advice and direction of my counsel, I 13:44 18 respectfully decline to answer. And I assert the 13:44 19 rights guaranteed to me under the Fifth Amendment to 13:44 20 the Constitution of the United States. 13:45 21 Q The diodes on the [REDACTED] are more [REDACTED] 13:45 22 [REDACTED] the [REDACTED]; correct? 13:45 23 A On the advice and direction of my counsel, I 13:45 24 respectfully decline to answer. And I assert the 13:45 25 rights guaranteed to me under the Fifth Amendment to 13:45 Page 138</p>	<p>1 Exhibit 25, without reference to the 14,000 files you 13:47 2 downloaded in December 2015; correct? 13:47 3 A On the advice and direction of my counsel, I 13:47 4 respectfully decline to answer. And I assert the 13:47 5 rights guaranteed to me under the Fifth Amendment to 13:47 6 the Constitution of the United States. 13:47 7 Q Uber is aware that the Fuji board shown on 13:47 8 Exhibit 25 has diode [REDACTED] that is derived from the 13:47 9 confidential information you took from Google to Uber; 13:47 10 correct? 13:48 11 MS. RAY: Objection; form. 13:48 12 MR. EHRLICH: You can answer. 13:48 13 THE WITNESS: On the advice and direction of 13:48 14 my counsel, I respectfully decline to answer. And I 13:48 15 assert the rights guaranteed to me under the Fifth 13:48 16 Amendment to the Constitution of the United States. 13:48 17 MR. PERLSON: Q. [REDACTED] [REDACTED] [REDACTED], that is reflected 13:48 19 in documents you took from Google, including the 13:48 20 14,000 files you downloaded in December 2015, is not 13:48 21 generally known; correct? 13:48 22 A On the advice and direction of my counsel, I 13:48 23 respectfully decline to answer. And I assert the 13:48 24 rights guaranteed to me under the Fifth Amendment to 13:48 25 the Constitution of the United States. 13:48 Page 140</p>
<p>1 the Constitution of the United States. 13:45 2 Q The diode [REDACTED] shown on the board on the 13:45 3 far left was derived from [REDACTED] [REDACTED] [REDACTED] correct? 13:45 5 A On the advice and direction of my counsel, I 13:45 6 respectfully decline to answer. And I assert the 13:45 7 rights guaranteed to me under the Fifth Amendment to 13:45 8 the Constitution of the United States. 13:45 9 Q You used the confidential information you 13:45 10 learned at Google to derive the diode [REDACTED] shown on 13:46 11 the board, on the upper left in Exhibit 25; correct? 13:46 12 A On the advice and direction of my counsel, I 13:46 13 respectfully decline to answer. And I assert the 13:46 14 rights guaranteed to me under the Fifth Amendment to 13:46 15 the Constitution of the United States. 13:46 16 Q Uber would not have been able to have 13:46 17 developed the Fuji board shown on Exhibit 25 without 13:46 18 using the confidential information learned at Google 13:46 19 by you; correct? 13:46 20 A On the advice and direction of my counsel, I 13:46 21 respectfully decline to answer. And I assert the 13:46 22 rights guaranteed to me under the Fifth Amendment to 13:46 23 the Constitution of the United States. 13:47 24 Q Uber would not have been able to have 13:47 25 developed the [REDACTED] on the Fuji board shown on 13:47 Page 139</p>	<p>1 Q [REDACTED] [REDACTED] [REDACTED] that is reflected in documents you 13:49 3 took from Google, including the 14,000 files you 13:49 4 downloaded in December 2015, has independent economic 13:49 5 value because it is not generally known; correct? 13:49 6 A On the advice and direction of my counsel, I 13:49 7 respectfully decline to answer. And I assert the 13:49 8 rights granted to me under the Fifth Amendment to the 13:49 9 Constitution of the United States. 13:49 10 Q The diode [REDACTED] that is reflected on 13:49 11 Exhibit 25, that was derived from information taken by 13:49 12 you from Google, reflects the diode [REDACTED] that is 13:49 13 not generally known; correct? 13:49 14 MS. RAY: Objection; form. 13:49 15 THE WITNESS: On the advice and direction of 13:49 16 my counsel, I respectfully decline to answer. And I 13:49 17 assert the rights guaranteed to me under the Fifth 13:49 18 Amendment to the Constitution of the United States. 13:50 19 MR. PERLSON: Q. Uber did not independently 13:50 20 develop the diode [REDACTED] that is reflected on 13:50 21 Exhibit 25 in the upper left-hand corner of the first 13:50 22 page, on its own without reference to confidential 13:50 23 information taken from Google; correct? 13:50 24 A On the advice and direction of my counsel, I 13:50 25 respectfully decline to answer. And I assert the 13:50 Page 141</p>

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1 Q For the record, Exhibit 25 is UBER000727. It 14:08  
2 looked like that got cut off when it was printed. 14:08  
3 In the drawing on the far left of Exhibit 25, 14:09  
4 there are [REDACTED] diodes [REDACTED] of the 14:09  
5 board. 14:09  
6 Do you see that? 14:09  
7 A That's your question? 14:09  
8 Q Yeah. 14:09  
9 A Okay. 14:09  
10 On the advice and direction of my counsel, I 14:09  
11 respectfully decline to answer. And I assert the 14:09  
12 rights guaranteed to me under the Fifth Amendment to 14:09  
13 the Constitution of the United States. 14:09  
14 Q The diodes shown on the drawing on the far 14:09  
15 left of Exhibit 25 [REDACTED] 14:09  
16 correct? 14:10  
17 A On the advice and direction of my counsel, I 14:10  
18 respectfully decline to answer. And I assert the 14:10  
19 rights guaranteed to me under the Fifth Amendment to 14:10  
20 the Constitution of the United States. 14:10  
21 Q You would agree that the [REDACTED] the diodes 14:10  
22 in the Fuji board are [REDACTED]  
[REDACTED] 14:10  
24 A On the advice and direction of my counsel, I 14:10  
25 respectfully decline to answer. And I assert the 14:10  
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1 rights guaranteed to me under the Fifth Amendment to 14:10  
2 the Constitution of the United States. 14:10  
3 Q You agree that, in the Fuji system, that each 14:10  
4 of the diodes have a [REDACTED] placed in [REDACTED] them? 14:10  
5 A On the advice and direction of my counsel, I 14:10  
6 respectfully decline to answer. And I assert the 14:10  
7 rights guaranteed to me under the Fifth Amendment to 14:10  
8 the Constitution of the United States. 14:11  
9 Q Isn't it correct that, in the Fuji system, 14:11  
10 [REDACTED] of the diodes have a [REDACTED] placed in 14:11  
11 [REDACTED] them? 14:11  
12 A On the advice and direction of my counsel, I 14:11  
13 respectfully decline to answer. And I assert the 14:11  
14 rights guaranteed to me under the Fifth Amendment to 14:11  
15 the Constitution of the United States. 14:11  
16 Q Isn't it correct that the light emitted from 14:11  
17 the diodes is [REDACTED] in the Fuji system? 14:11  
18 A On the advice and direction of my counsel, I 14:11  
19 respectfully decline to answer. And I assert the 14:11  
20 rights guaranteed to me under the Fifth Amendment to 14:11  
21 the Constitution of the United States. 14:12  
22 Q Isn't it correct that the placement of the 14:12  
23 diodes, as shown on Exhibit 25 -- let me start over 14:12  
24 again. 14:12  
25 Isn't it correct that the placement of the 14:12  
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1 diodes, [REDACTED] was derived 14:12  
2 from Google confidential information reflected among 14:12  
3 the 14,000 documents you downloaded in December 2015? 14:12  
4 A On the advice and direction of my counsel, I 14:12  
5 respectfully decline to answer. And I assert the 14:12  
6 rights guaranteed to me under the Fifth Amendment to 14:12  
7 the Constitution of the United States. 14:12  
8 Q Isn't it correct that the placement of the 14:12  
9 diodes, [REDACTED] would not 14:12  
10 have been able to be developed by Uber without use of 14:13  
11 the Google confidential information reflected among 14:13  
12 the 14,000 documents you downloaded from Google in 14:13  
13 December 2015? 14:13  
14 A On the advice and direction of my counsel, I 14:13  
15 respectfully decline to answer. And I assert the 14:13  
16 rights guaranteed to me under the Fifth Amendment to 14:13  
17 the Constitution of the United States. 14:13  
18 Q Isn't it correct that the placement of the 14:13  
19 diodes that [REDACTED] is a 14:13  
20 placement that is not publicly known? 14:13  
21 A On the advice and direction of my counsel, I 14:13  
22 respectfully decline to answer. And I assert the 14:13  
23 rights guaranteed to me under the Fifth Amendment to 14:13  
24 the Constitution of the United States. 14:14  
25 Q Isn't it correct that the placement of the 14:14  
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1 diodes [REDACTED] is a 14:14  
2 placement that has economic value because it is not 14:14  
3 publicly known? 14:14  
4 A On the advice and direction of my counsel, I 14:14  
5 respectfully decline to answer. And I assert the 14:14  
6 rights guaranteed to me under the Fifth Amendment to 14:14  
7 the Constitution of the United States. 14:14  
8 Q If you could please turn to the -- 14:14  
9 MR. PERLSON: It's this one; right? 14:14  
10 MR. SCHMIDT: Yeah. 14:14  
11 MR. PERLSON: Q. The second page of 14:14  
12 Exhibit 25. 14:14  
13 A (Witness complies.) 14:14  
14 Q Do you see that there are [REDACTED] on the [REDACTED] 14:14  
15 [REDACTED] in the middle of the page 14:15  
16 annotated with a 12? 14:15  
17 MR. EHRLICH: He's just asking if you see it 14:15  
18 now. You can answer that. Just, do you see -- 14:15  
19 THE WITNESS: I do see -- 14:15  
20 MR. EHRLICH: -- what he's referencing? 14:15  
21 THE WITNESS: I see that he's pointing at 14:15  
22 [REDACTED] 14:15  
23 MR. EHRLICH: Okay. 14:15  
24 THE WITNESS: And there's a legend that says: 14:15  
25 [REDACTED] 14:15  
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1 MR. EHRLICH: Okay. 14:15  
2 MR. PERLSON: Q. And the legend 14:15  
3 corresponding to the annotation for 12 shows: 14:15  
4 [REDACTED] 14:15  
5 Do you see that? 14:15  
6 A Yes, I do see that. 14:15  
7 Q And it says that the [REDACTED] 14:16  
8 [REDACTED] on Exhibit 25, second page, underneath that 14:16  
9 says: 14:16  
10 [REDACTED] [REDACTED]  
[REDACTED] 14:16  
13 Do you see that it says that? 14:16  
14 A Yep, I do. I can read that. 14:16  
15 Q And then, underneath [REDACTED] 14:16  
16 [REDACTED] it says: 14:16  
17 [REDACTED] 14:16  
18 [REDACTED] 14:16  
19 Do you see that? 14:16  
20 A I -- I see the text, yes. 14:16  
21 Q And then, underneath that, it says: 14:16  
22 [REDACTED] 14:16  
23 [REDACTED] 14:16  
24 MR. EHRLICH: Or [REDACTED] 14:17  
25 THE WITNESS: They're mils, not millimeters. 14:17  
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1 MR. PERLSON: Mils. Okay. Mils. 14:17  
2 Q So, when I said millimeter before, those are 14:17  
3 mils? 14:17  
4 A Right, mils. 14:17  
5 MR. EHRLICH: And you see that? 14:17  
6 THE WITNESS: I do see that, yes. 14:17  
7 MR. EHRLICH: Okay. 14:17  
8 MR. PERLSON: Q. And, is the [REDACTED] for 14:17  
9 the -- and -- let me start over again. 14:17  
10 The [REDACTED], as reflected on 14:17  
11 the second page of Exhibit 25, is an accurate 14:17  
12 reflection of the Fuji board at Uber? 14:17  
13 A On the advice and direction of my counsel, I 14:17  
14 respectfully decline to answer. And I assert the 14:17  
15 rights guaranteed to me under the Fifth Amendment to 14:17  
16 the Constitution of the United States. 14:17  
17 Q And you would agree that the [REDACTED] annotation 14:17  
18 is referring to [REDACTED] in the PCBs for [REDACTED]; 14:18  
19 correct? 14:18  
20 A On the advice and direction of my counsel, I 14:18  
21 respectfully decline to answer. And I assert the 14:18  
22 rights guaranteed to me under the Fifth Amendment to 14:18  
23 the Constitution of the United States. 14:18  
24 Q The [REDACTED] annotation is referring to [REDACTED] in 14:18  
25 the PCB for [REDACTED]; correct? 14:18  
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1 A On the advice and direction of my counsel, I 14:18  
2 respectfully decline to answer. And I assert rights 14:18  
3 guaranteed to me under the Fifth Amendment to the 14:18  
4 Constitution of the United States. 14:18  
5 Q [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED] correct? 14:19  
10 A Excuse me. 14:19  
11 On the advice and direction of my counsel, I 14:19  
12 respectfully decline to answer. And I assert the 14:19  
13 rights guaranteed to me under the Fifth Amendment to 14:19  
14 the Constitution of the United States. 14:19  
15 Q And, it is correct, as it says next to the 14:19  
16 [REDACTED] on the legend, that: 14:19  
[REDACTED]  
[REDACTED] 14:19  
19 A What's the question? 14:19  
20 And it is correct... 14:19  
21 On the advice and direction of my counsel, I 14:19  
22 respectfully decline to answer. And I assert the 14:19  
23 rights guaranteed to me under the Fifth Amendment to 14:19  
24 the Constitution of the United States. 14:20  
25 Q And it is true that the dimensions reflected 14:20  
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1 on the second page of Exhibit 25 for the [REDACTED] 14:20  
2 was derived from Google confidential information; 14:20  
3 correct? 14:20  
4 A On the advice and direction of my counsel, I 14:20  
5 respectfully decline to answer. And I assert the 14:20  
6 right -- the rights guaranteed to me under the Fifth 14:20  
7 Amendment to the Constitution of the United States. 14:20  
8 Q And you would agree, that the use of the 14:20  
9 [REDACTED] for [REDACTED] is derived from Google 14:21  
10 confidential information; is that correct? 14:21  
11 A On the advice and direction of my counsel, I 14:21  
12 respectfully decline to answer. And I assert the 14:21  
13 rights guaranteed to me under the Fifth Amendment to 14:21  
14 the Constitution of the United States. 14:21  
15 Q And you would agree that the use of the [REDACTED] 14:21  
16 for [REDACTED] reflected in Exhibit 25, page 2, was 14:21  
17 derived from confidential information downloaded by 14:21  
18 you from Google in December 2015; correct? 14:22  
19 A On the advice and direction of my counsel, I 14:22  
20 respectfully decline to answer. And I assert the 14:22  
21 rights guaranteed to me under the Fifth Amendment to 14:22  
22 the Constitution of the United States. 14:22  
23 Q And you would agree that, without the 14:22  
24 confidential information you downloaded from Google in 14:22  
25 December 2015, Uber would not have been able to have 14:22  
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1 designed a system [REDACTED] 14:22  
2 correct? 14:22  
3 A On the advice and direction of my counsel, I 14:22  
4 respectfully decline to answer. And I assert the 14:22  
5 rights guaranteed to me under the Fifth Amendment to 14:22  
6 the Constitution of the United States. 14:22  
7 Q And you agree that [REDACTED]  
[REDACTED] that was derived from Google's confidential 14:23  
9 information, and reflected in Exhibit 25 on the second 14:23  
10 page, is not commonly known? 14:23  
11 A On the advice and direction of my counsel, I 14:23  
12 respectfully decline to answer. And I assert the 14:23  
13 rights guaranteed to me under the Fifth Amendment to 14:23  
14 the Constitution of the United States. 14:23  
15 Q And, you would agree that [REDACTED]  
[REDACTED] that was derived from Google 14:23  
17 confidential information, and reflected in Exhibit 25 14:23  
18 on the second page, has economic value because it is 14:23  
19 not commonly known? 14:23  
20 A On the advice and direction of my counsel, I 14:23  
21 respectfully decline to answer. And I assert the 14:23  
22 rights guaranteed to me under the Fifth Amendment to 14:23  
23 the Constitution of the United States. 14:24  
24 Q It's correct that you attended a meeting at 14:24  
25 Uber's headquarters in mid-January 2016? 14:24  
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1 A On the advice and direction of my counsel, I 14:24  
2 respectfully decline to answer. And I assert the 14:24  
3 rights guaranteed to me under the Fifth Amendment to 14:24  
4 the Constitution of the United States. 14:24  
5 Q At this mid-January 2016 meeting, you 14:24  
6 discussed Uber potentially acquiring the new venture 14:24  
7 you were planning; correct? 14:24  
8 A On the advice and direction of my counsel, I 14:24  
9 respectfully decline to answer. And I assert the 14:24  
10 rights guaranteed to me under the Fifth Amendment to 14:24  
11 the Constitution of the United States. 14:24  
12 Q And, at this meeting in mid-January 2016, you 14:24  
13 discussed the technology that Uber would be able to 14:24  
14 acquire if it bought your new venture; correct? 14:24  
15 A On the advice and direction of my counsel, I 14:25  
16 respectfully decline to answer. And I assert the 14:25  
17 rights guaranteed to me under the Fifth Amendment to 14:25  
18 the Constitution of the United States. 14:25  
19 Q You met with Brian McClendon at Uber in the 14:25  
20 summer of 2015; correct? 14:25  
21 A On the advice and direction of my counsel, I 14:25  
22 respectfully decline to answer. And I assert the 14:25  
23 rights guaranteed to me under the Fifth Amendment to 14:25  
24 the Constitution of the United States. 14:25  
25 Q You discussed sharing Google's confidential 14:25  
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1 information with Uber at your meeting in -- with Brian 14:25  
2 McClendon in the summer of 2015; correct? 14:25  
3 A On the advice and direction of my counsel, I 14:25  
4 respectfully decline to answer. And I assert the 14:25  
5 rights guaranteed to me under the Fifth Amendment to 14:25  
6 the Constitution of the United States. 14:25  
7 Q By at least January 2016, you understood that 14:25  
8 Uber was already interested in investing or acquiring 14:25  
9 the new company you were finding? 14:26  
10 A On the advice and direction of my counsel, I 14:26  
11 respectfully decline to answer. And I assert the 14:26  
12 rights guaranteed to me under the Fifth Amendment to 14:26  
13 the Constitution of the United States. 14:26  
14 Q You agree that Uber -- let me start over 14:26  
15 again. 14:26  
16 You agree that Uber's LiDar lens designs are 14:26  
17 derived from Google confidential information that you 14:26  
18 took from Google? 14:26  
19 A On the advice and direction of my counsel, I 14:26  
20 respectfully decline to answer. And I assert the 14:26  
21 rights guaranteed to me under the Fifth Amendment to 14:26  
22 the Constitution of the United States. 14:26  
23 Q You agree that Uber would not have been able 14:26  
24 to have developed its Li- -- LiDar lens designs 14:26  
25 without using the confidential information that you 14:26  
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1 took from Google? 14:26  
2 A On the advice and direction of my counsel, I 14:26  
3 respectfully decline to answer. And I assert the 14:26  
4 rights guaranteed to me under the Fifth Amendment to 14:26  
5 the United States Constitution. 14:27  
6 Q You agree that, without the use of 14:27  
7 information reflected in the 14,000 documents you 14:27  
8 downloaded in December 2015, Uber would not have been 14:27  
9 able to develop its own LiDar lens design; correct? 14:27  
10 A On the advice and direction of my counsel, I 14:27  
11 respectfully decline to answer. And I assert the 14:27  
12 rights guaranteed to me under the Fifth Amendment to 14:27  
13 the Constitution of the United States. 14:27  
14 Q Uber's LiDar laser design was designed using 14:27  
15 Google's confidential information, including 14:27  
16 information contained in the 14,000 documents you 14:27  
17 downloaded from Google in 2015; correct? 14:28  
18 A On the advice and direction of my counsel, I 14:28  
19 respectfully decline to answer. And I assert the 14:28  
20 rights guaranteed to me under the Fifth Amendment to 14:28  
21 the Constitution of the United States. 14:28  
22 Q The number and configuration of LiDar lasers 14:28  
23 in Uber's system is derived from Google confidential 14:28  
24 information you took, including information in the 14:28  
25 14,000 files you downloaded in December 2015? 14:28  
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<p>1 A On the advice and direction of my counsel, I 14:28 2 respectfully decline to answer. And I assert the 14:28 3 rights guaranteed to me under the Fifth Amendment to 14:28 4 the Constitution of the United States. 14:28 5 Q The pulse rate of Uber's LiDar lasers is 14:28 6 derived from confidential information you took from 14:28 7 Google, including information in the 14,000 files you 14:28 8 downloaded in 2015; correct? 14:29 9 A On the advice and direction of my counsel, I 14:29 10 respectfully decline to answer. And I assert the 14:29 11 rights guaranteed to me under the Fifth Amendment to 14:29 12 the Constitution of the United States. 14:29 13 Q Uber's LiDar optical cavity design is derived 14:29 14 from confidential information that you took from 14:29 15 Google, including 14,000 files you downloaded in 14:29 16 December 2015; correct? 14:29 17 A On the advice and direction of my counsel, I 14:29 18 respectfully decline to answer. And I assert the 14:29 19 rights guaranteed to me under the Fifth Amendment to 14:29 20 the Constitution of the United States. 14:29 21 Q You agree that the [REDACTED] 14:29 22 [REDACTED] 14:29 23 used by Uber, is derived from confidential information 14:30 24 that you took from Google, including the 14,000 files 14:30 25 you downloaded in December 2015; correct? 14:30 Page 158</p>	<p>1 THE WITNESS: Maybe I -- 14:31 2 MR. EHRLICH: Yeah, yeah, yeah. 14:31 3 I do think that calls for attorney-client 14:31 4 privileged information. I'm going to direct him not 14:31 5 to answer. 14:31 6 MR. PERLSON: Okay. Have you read 14:31 7 Judge Alsup's rules regarding this? 14:32 8 MR. EHRLICH: Candidly, I have not read. If 14:32 9 there's a rule directly on point, I have not. 14:32 10 MR. PERLSON: Well, why don't we take a 14:32 11 break, and you can read the rule. 14:32 12 MR. EHRLICH: Okay. We can do that. 14:32 13 THE VIDEOGRAPHER: We are going off the 14:32 14 record. The time is 2:31. 14:32 15 (Recess taken.) 14:32 16 THE VIDEOGRAPHER: We are back on the record. 14:43 17 The time is 2:42. 14:43 18 MR. EHRLICH: So -- 14:43 19 MR. PERLSON: Go ahead. 14:43 20 MR. EHRLICH: So, I've now had a chance to 14:43 21 read the order. I can -- I do think the question 14:43 22 calls for attorney-client privileged information, and 14:43 23 I'm going to instruct him not to answer. 14:43 24 But, as an Officer of the Court, I will 14:43 25 represent there was no discussion between 14:43 Page 160</p>
<p>1 A On the advice and direction of my counsel, I 14:30 2 respectfully decline to answer. And I assert the 14:30 3 rights guaranteed to me under the Fifth Amendment to 14:30 4 the Constitution of the United States. 14:30 5 Q Did you discuss the substance of your 14:30 6 testimony at all with counsel during any breaks in 14:30 7 today's deposition? 14:30 8 MR. EHRLICH: I'm going to object on 14:30 9 attorney-client privilege grounds. 14:30 10 And, to the extent it's not covered by 14:30 11 privilege, I'm going to direct you to assert your 14:31 12 constitutional rights. 14:31 13 THE WITNESS: On the advice -- 14:31 14 MR. EHRLICH: Go ahead. 14:31 15 THE WITNESS: -- and direction of my counsel, 14:31 16 I respectfully decline to answer. And I assert the 14:31 17 rights guaranteed to me under the Fifth Amendment to 14:31 18 the Constitution of the United States. 14:31 19 MR. PERLSON: Well, so are you instruct -- so 14:31 20 I -- I am just asking a yes-or-no question first. 14:31 21 Q Did you discuss the substance of your 14:31 22 testimony today with counsel during any breaks in 14:31 23 today's deposition? 14:31 24 It's a yes-or-no question. 14:31 25 MR. EHRLICH: Let me? 14:31 Page 159</p>	<p>1 Mr. Levandowski and either Mr. Ramsey or myself about 14:43 2 the substance of his testimony, period. 14:43 3 There was, however, very brief discussion 14:43 4 between Mr. Levandowski and counsel for Uber, limited 14:43 5 to the subject of his employment history, prior to his 14:43 6 employment at Google. 14:43 7 MS. RAY: And, to make clear, it had nothing 14:43 8 to do -- we did not discuss your questioning at all. 14:43 9 I asked some informational questions -- 14:44 10 MR. EHRLICH: That's correct. 14:44 11 MS. RAY: -- of Mr. Levandowski. 14:44 12 MR. EHRLICH: There -- there was no 14:44 13 discussion about answers he gave or questions you had 14:44 14 asked up to that point in the deposition. 14:44 15 MR. PERLSON: Okay. 14:44 16 MR. EHRLICH: And that, other than that very 14:44 17 brief discussion, there's been no further 14:44 18 communication at all. 14:44 19 MR. PERLSON: And who was -- who specifically 14:44 20 was involved in that discussion? 14:44 21 MR. EHRLICH: The discussion with 14:44 22 Mr. Levandowski and Uber's counsel was with Ms. Ray. 14:44 23 I believe I was listening. Mr. Ramsey may have been 14:44 24 present. And I'm not sure if there was anyone else 14:44 25 there at the time. 14:44 Page 161</p>



1 MS. RAY: It was less than a couple of 14:44	1 MR. EHRLICH: Correct. It does include the 14:47
2 minutes, and it was a factual clarification. Not 14:44	2 Fifth Amendment, as well as other -- as 14:47
3 related to your questioning; related to my 14:44	3 attorney-client privilege. But, primarily, the issue 14:47
4 understanding of something. 14:44	4 at hand is the -- is the Fifth Amendment privilege as 14:47
5 MR. PERLSON: Okay. 14:44	5 well. 14:47
6 MR. EHRLICH: So, thank you for letting me 14:44	6 MR. PERLSON: And the Fifth Amendment is 14:47
7 clarify the record. 14:44	7 being asserted by Mr. Levandowski as to the document 14:47
8 MR. PERLSON: Okay. 14:44	8 requests as modified by the judge at the hearing on 14:47
9 Q The -- did you do anything to look for 14:44	9 Wednesday; is that correct? 14:47
10 documents in relation to this deposition, 14:45	10 MR. EHRLICH: Correct. We -- as we made 14:47
11 Mr. Levandowski? 14:45	11 clear at the hearing, we intend to assert 14:47
12 MR. EHRLICH: I'm going to instruct you to 14:45	12 Mr. Levandowski's Fifth Amendment privilege broadly as 14:47
13 use this one. Assert your rights. 14:45	13 against any active production that would be covered 14:47
14 THE WITNESS: On the advice and direction of 14:45	14 under the Hubbel [sic] line of cases. 14:47
15 my counsel, I respectfully decline to answer. And I 14:45	15 And so, that is something -- the -- the 14:47
16 assert the rights guaranteed to me under the Fifth 14:45	16 standard practice for Fifth Amendment privilege is to 14:48
17 Amendment to the Constitution of the United States. 14:45	17 make an in-camera showing so the judge could evaluate 14:48
18 MR. PERLSON: Q. Do you have documents 14:45	18 whether the privilege is being asserted properly or 14:48
19 responsive to the subpoena document requests that we 14:45	19 not, and we intend to do that. 14:48
20 propounded on you? 14:45	20 MR. PERLSON: Okay. Well, we don't need to 14:48
21 MR. EHRLICH: I'm going to direct 14:45	21 talk further about that on the record. 14:48
22 Mr. Levandowski to assert his rights. 14:45	22 MR. EHRLICH: Thank you. 14:48
23 But I can address that, if you would like me 14:45	23 MR. PERLSON: I think that's it -- 14:48
24 to, on the record. 14:45	24 MR. EHRLICH: Okay. 14:48
25 MR. PERLSON: I would, but I -- 14:45	25 MR. PERLSON: -- from us. 14:48
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1 THE WITNESS: Okay. 14:45	1 MS. RAY: I have some questions. May I 14:48
2 MR. PERLSON: Why don't you do this first. 14:45	2 switch seats with you? 14:48
3 THE WITNESS: Yeah. 14:46	3 MR. PERLSON: Sure. 14:48
4 On the advice and direction of my counsel, I 14:46	4 THE VIDEOGRAPHER: Shall we go off the record 14:48
5 respectfully decline to answer. And I assert the 14:46	5 to do this? 14:48
6 rights guaranteed to me under the Fifth Amendment to 14:46	6 MS. RAY: Sure. 14:48
7 the Constitution of the United States. 14:46	7 THE VIDEOGRAPHER: We are going off the 14:48
8 MR. EHRLICH: And, Counsel, to address that, 14:46	8 record. The time is 2:48. 14:48
9 we have been searching, racing as fast as possible to 14:46	9 (Recess taken.) 14:48
10 search in every location we can come up with, that may 14:46	10 THE VIDEOGRAPHER: We are back on the record. 14:50
11 have responsive documents. 14:46	11 The time is 2:50. 14:50
12 As of this morning, when we appeared for the 14:46	12 14:50
13 deposition, we have not located any responsive 14:46	13 EXAMINATION 14:50
14 non-privileged documents. We are continuing to 14:46	14 BY MS. RAY: 14:50
15 search, of course. 14:46	15 Q Mr. Levandowski, do you recall that your 14:50
16 And, as Counsel knows, Judge Alsup has 14:46	16 counsel stated, during this deposition, that if there 14:50
17 ordered us to produce in-camera a log identifying any 14:46	17 were questions about your background before you joined 14:50
18 documents that are responsive at all to which we 14:46	18 Google, you would answer them? 14:50
19 assert any privileges. And we will certainly comply 14:46	19 MR. PERLSON: Objection; form. 14:51
20 with that order on Wednesday. 14:47	20 THE WITNESS: Does that mean I answer or not? 14:51
21 But, as of today, there are no responsive 14:47	21 I'm not clear. 14:51
22 non-privileged documents that we have located. 14:47	22 MR. EHRLICH: If he objects, you still have 14:51
23 MR. PERLSON: Okay. And, when you say 14:47	23 to answer. 14:51
24 "non-privileged," that obviously includes the Fifth 14:47	24 THE WITNESS: I still have to answer. Okay. 14:51
25 Amendment privilege? 14:47	25 MR. EHRLICH: You can answer. 14:51
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1 THE WITNESS: I -- I do remember saying that, 14:51	1 and I built a website for seeing the inside locations 14:53
2 yes. 14:51	2 of things. I made a map of campus. 14:53
3 MS. RAY: Q. So, let me ask you some -- 14:51	3 Q Can you give me an example of a website that 14:53
4 A Or I do remember -- 14:51	4 you built for seeing the inside of things. 14:53
5 Q Let me ask you some questions about your 14:51	5 A So, the Tamalpais High School website had an 14:53
6 background. 14:51	6 internal version that described this system where 14:53
7 Where were you born? 14:51	7 there was, you know, pictures that you could navigate 14:53
8 A I was born -- 14:51	8 and click through and see forward or back or around. 14:53
9 MR. EHRLICH: You can answer. 14:51	9 You know, there's other websites that I 14:53
10 THE WITNESS: Okay. 14:51	10 created later on post-high school. Once -- one was an 14:53
11 I was born in Brussels, Belgium. 14:51	11 internal website for a company called Central Garden 14:53
12 MS. RAY: Q. Where were you raised? 14:51	12 and Pets which allowed the business to share internal 14:53
13 A I was raised in Brussels, Belgium, until I 14:51	13 information about their customers and their products, 14:53
14 was 14, and then I came to the United States. 14:51	14 as well as their employees; similar things that you 14:53
15 Q And, did you come to California then? 14:51	15 call, you know, intranets today. 14:53
16 A I did, yes. 14:51	16 Q Why did you build the website so that you 14:54
17 Q Do you have any children? 14:51	17 could see the inside of the high school? 14:54
18 A I do, yes. 14:51	18 A I received the first digital camera from my 14:54
19 Q What are their ages? 14:51	19 family, and I thought it was interesting to be able to 14:54
20 A I have two. Alex is six, and Miles is three. 14:51	20 take pictures and kind of visit a location remotely. 14:54
21 Q I'd like to ask you some questions about your 14:51	21 I thought that would be interesting to have the 14:54
22 education. 14:51	22 students to be able to show off the school, as well as 14:54
23 Where did you attend high school? 14:51	23 show that off to my friends and my mom, who lived in 14:54
24 A I went to two high schools. First is 14:51	24 Belgium still. 14:54
25 Tamalpais High School in Marin County, and then 14:51	25 Q When you were an undergraduate, did you have 14:54
Page 166	Page 168
1 University High School in San Francisco. 14:52	1 any business ventures? 14:54
2 Q When did you graduate from high school? 14:52	2 A I did, yes. 14:54
3 A In 1998. 14:52	3 Q What was one of your businesses during 14:54
4 Q Did you go to college? 14:52	4 undergrad? 14:54
5 A I did, yes. 14:52	5 A It was called La Raison, and it was the -- 14:54
6 Q Where did you go to college? 14:52	6 MR. EHRLICH: How do you spell that? 14:54
7 A I went to college at UC Berkeley for 14:52	7 THE WITNESS: L-A, R-A-I-S-O-N. 14:54
8 undergrad and grad school. 14:52	8 MS. RAY: Q. And what was La Raison? 14:54
9 Q When did you graduate from undergrad? 14:52	9 A It was a business that was making websites 14:54
10 A In 2002. 14:52	10 and intranets for other businesses. 14:54
11 Q When did you graduate from graduate school? 14:52	11 Q When did you get involved with autonomous or 14:55
12 A In 2003. 14:52	12 driverless vehicles? 14:55
13 Q What was your major during undergrad? 14:52	13 A It started in a class where we were learning 14:55
14 A I studied industrial engineering and 14:52	14 Java and robotics with Professor Roger Glassey. And 14:55
15 operations research. 14:52	15 we built self-driving vehicles out of, you know, Lego 14:55
16 Q And what was your master's degree in? 14:52	16 Mindstorms using the Java programming language. 14:55
17 A It was in industrial engineering and 14:52	17 MR. EHRLICH: Did you say Lego? 14:55
18 operations research, as well as management of 14:52	18 THE WITNESS: Lego, L-E-G- -- like the toys 14:55
19 technology. 14:52	19 that my kids play with now. 14:55
20 Q While you were in high school, did you have 14:52	20 MS. RAY: Q. Did this work receive any 14:55
21 any business ventures? 14:52	21 recognition? 14:55
22 A I did, yes. 14:52	22 A Well, after the class, I entered a 14:55
23 Q What were they? 14:52	23 competition which was several universities competing, 14:55
24 A I started selling candy freshman year to the 14:52	24 including, I believe, Stanford and Santa Clara 14:55
25 fellow students there. And then, I built websites, 14:52	25 University, that was organized by the Sun 14:55
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<p>1 Microsystems, and specifically organized by the folks 14:55</p> <p>2 that created the -- the language of Java. 14:55</p> <p>3 And it was competing for what they -- at the 14:55</p> <p>4 time was the Gosling Award, which was named after 14:56</p> <p>5 James Gosling, who is the inventor of Java. 14:56</p> <p>6 And for that, I created a monopoly build 14:56</p> <p>7 sorting robots that won the competition. I then 14:56</p> <p>8 received the Gosling Award. 14:56</p> <p>9 Q Earlier we heard about the DARPA Challenge. 14:56</p> <p>10 How did you learn about that challenge? 14:56</p> <p>11 A My mom knew how much I loved robots and that 14:56</p> <p>12 I loved making things. And she gave me a call when 14:56</p> <p>13 she found out about this competitions sponsored by the 14:56</p> <p>14 defense department. And she thought it was really 14:56</p> <p>15 exciting for me to be able to know that I was going 14:56</p> <p>16 on. And when I saw it, I couldn't resist, and I 14:56</p> <p>17 decided to enter. 14:56</p> <p>18 Q Can you tell me a little bit more about what 14:56</p> <p>19 the DARPA race was. 14:56</p> <p>20 A So, the DARPA Grand Challenge was a set of 14:56</p> <p>21 three competitions. The -- the first one was 14:56</p> <p>22 obviously, we didn't know there was going to be a 14:56</p> <p>23 follow-up system. 14:57</p> <p>24 And it was a -- effectively, it was a race 14:57</p> <p>25 from LA to Vegas across the desert. It was really 14:57</p> <p style="text-align: right;">Page 170</p>	<p>1 building the Ghost Rider? 14:58</p> <p>2 A I built a substantial portion of it myself, 14:58</p> <p>3 but I also created a team to help me build the tools 14:58</p> <p>4 and software and hardware to make the system work. 14:58</p> <p>5 Q Was the Ghost Rider ever used on public 14:58</p> <p>6 streets? 14:58</p> <p>7 A It was. We did some testing on -- on public 14:58</p> <p>8 roads prior to the event to make sure that it was able 14:58</p> <p>9 to go up certain hills and stay in -- in the right 14:58</p> <p>10 lanes and so forth. 14:59</p> <p>11 Q Where did you do that testing on public 14:59</p> <p>12 streets? 14:59</p> <p>13 A We did that in Richmond, California. 14:59</p> <p>14 Q How many other two-wheeled entrants were in 14:59</p> <p>15 that same competition? 14:59</p> <p>16 A There were none. It was, frankly, a pretty 14:59</p> <p>17 crazy idea to go and make things even harder than 14:59</p> <p>18 everybody already believed the challenge to be. 14:59</p> <p>19 Q Why was it harder to have a two-wheel -- 14:59</p> <p>20 two-wheel entry? 14:59</p> <p>21 A Well, to get a car to move down the street, 14:59</p> <p>22 you know, 20 feet, you can kind of apply a little bit 14:59</p> <p>23 of accelerator and not steer, and the vehicle will do 14:59</p> <p>24 that. 14:59</p> <p>25 To get a motorcycle to move forward, you have 14:59</p> <p style="text-align: right;">Page 172</p>
<p>1 Barstow to Vegas, you know, across the desert. And 14:57</p> <p>2 the goal was to release a vehicle into the world on 14:57</p> <p>3 its own without any remote control or assistance in 14:57</p> <p>4 order to try to get, you know, a piece of equipment 14:57</p> <p>5 from one location to the next without any supervision 14:57</p> <p>6 or input. 14:57</p> <p>7 And, it was kind of a monumental step in 14:57</p> <p>8 thinking how things were done before, where 14:57</p> <p>9 previously, the defense department, clearly wanting to 14:57</p> <p>10 move materials and troops from one point to the other, 14:57</p> <p>11 had done contract works for specific objectives, and 14:57</p> <p>12 the progress had been very slow. 14:57</p> <p>13 And so, this DARPA was attempting to 14:57</p> <p>14 circumvent that by having a competition that was just 14:57</p> <p>15 clean, saying, Here is the start. Here is the finish. 14:57</p> <p>16 We'll give you a road that you can follow, in other 14:58</p> <p>17 words. And then we'll -- you'll turn the switch and 14:58</p> <p>18 let the vehicle go through and see if it makes it or 14:58</p> <p>19 not. 14:58</p> <p>20 Q What was your entry into the DARPA Challenge? 14:58</p> <p>21 A The entry was called Ghost Rider, and it was 14:58</p> <p>22 a two-wheeled motorcycle. It was the first of its 14:58</p> <p>23 kind, to our knowledge, at that time and, you know, 14:58</p> <p>24 self-driving motorcycle. 14:58</p> <p>25 Q What was your personal contribution to 14:58</p> <p style="text-align: right;">Page 171</p>	<p>1 to build a lot of technology beforehand to make it to 14:59</p> <p>2 be able to just drive in a straight line. And so, 14:59</p> <p>3 you're just making the problem harder than it needs to 14:59</p> <p>4 be. 14:59</p> <p>5 Q How did the Ghost Rider do in the 14:59</p> <p>6 competition? 14:59</p> <p>7 A It didn't do as well as I was hoping. It -- 14:59</p> <p>8 it turned out that the complexities and challenges of 15:00</p> <p>9 adding the balancing before you could start testing 15:00</p> <p>10 all of the other navigation and optical were hard. 15:00</p> <p>11 But, on the first year, we actually did 15:00</p> <p>12 manage to qualify. And out of the 109 teams or so 15:00</p> <p>13 that applied, you know, 14 or so qualified, and we 15:00</p> <p>14 were one of them. 15:00</p> <p>15 On the day of the race, I -- I made a 15:00</p> <p>16 mistake, and I forgot to turn on the software for 15:00</p> <p>17 stabilizing the vehicle. And the -- the motorcycle 15:00</p> <p>18 went out of the gate and fell down. So that was very 15:00</p> <p>19 embarrassing. 15:00</p> <p>20 Q What happened to the Ghost Rider after the 15:00</p> <p>21 race? 15:00</p> <p>22 A We used it again for the following 15:00</p> <p>23 competition, which was, I think, a year or so later. 15:00</p> <p>24 And then after that one, where the performance was 15:00</p> <p>25 much better than before, the Smithsonian thought that 15:00</p> <p style="text-align: right;">Page 173</p>

<p>1 it was pretty unique and novel and new, and so they 15:00</p> <p>2 requested it for an exhibit on autonomous vehicles. 15:01</p> <p>3 And I donated it to the Smithsonian, where it is 15:01</p> <p>4 today. 15:01</p> <p>5 Q After graduate school, where did you work? 15:01</p> <p>6 A After graduate school, so I -- long day, so I 15:01</p> <p>7 don't have the whole chronology down. 15:01</p> <p>8 But I did a couple of things, one of which 15:01</p> <p>9 was I was the -- having met all of the teams in a very 15:01</p> <p>10 nonthreatening way by making a robotic motorcycle 15:01</p> <p>11 through the Grand Challenge, one of the teams was Team 15:01</p> <p>12 Dad. Dad, are we there yet? And it was by Bruce Hall 15:01</p> <p>13 and Dave Hall, the founders of Velodyne Acoustics who, 15:01</p> <p>14 at the time for the first Grand Challenge, made a 15:01</p> <p>15 stereo camera, and in the second Grand Challenge made 15:01</p> <p>16 a 360 laser that has evolved into the Velodyne that 15:02</p> <p>17 they sell today. 15:02</p> <p>18 And, after the race, I helped them get their 15:02</p> <p>19 unit from the early, early prototype that just 15:02</p> <p>20 outputted video data, as well as specific outputs, 15:02</p> <p>21 into outputting Ethernet packets so that others could 15:02</p> <p>22 use it. 15:02</p> <p>23 And then, I became also the first Velodyne 15:02</p> <p>24 sales rep. And then I, you know, went around and 15:02</p> <p>25 traveled and met many of the teams that were building 15:02</p> <p style="text-align: right;">Page 174</p>	<p>1 manually turn around and precisely drive back so that 15:03</p> <p>2 you could plant your seeds in one specific time, and 15:04</p> <p>3 then harvest them at a very different specific time, 15:04</p> <p>4 and abstract out the skill of the operator and turn 15:04</p> <p>5 that into the machine. 15:04</p> <p>6 Q What did you do next after that project? 15:04</p> <p>7 A After that, we -- this is where I worked with 15:04</p> <p>8 Professor Thrun and a couple of his students, and we 15:04</p> <p>9 started a company that was known as -- as VueTool. I 15:04</p> <p>10 don't recall if we actually founded the company, but 15:04</p> <p>11 we did have a company together, and we called it that. 15:04</p> <p>12 And we made a demo of kind of an evolution of 15:04</p> <p>13 something called Movie Maps that was made by an MIT 15:04</p> <p>14 professor -- I think an MIT professor -- a while back, 15:04</p> <p>15 where you could actually view the world as kind of a 15:04</p> <p>16 person would be there without actually physically 15:05</p> <p>17 being in that location. 15:05</p> <p>18 And we did that where we drove around 15:05</p> <p>19 San Francisco and built maps so you could just drop 15:05</p> <p>20 yourself in a location in San Francisco and see 15:05</p> <p>21 that -- what the specific area looked like. 15:05</p> <p>22 Q Did that project involve LiDar? 15:05</p> <p>23 A There was a LiDar on the vehicle that we were 15:05</p> <p>24 collecting information on. The generating of the 15:05</p> <p>25 pictures did not use it, but we were logging laser 15:05</p> <p style="text-align: right;">Page 176</p>
<p>1 these vehicles and helped them get the Velodyne and 15:02</p> <p>2 helped them integrate and just understand what this 15:02</p> <p>3 new sensor could do for -- for their teams. 15:02</p> <p>4 Q When you say that you were working on the 15:02</p> <p>5 prototype that evolved into the Velodyne they sell 15:02</p> <p>6 today, do you mean the LiDar that Velodyne -- 15:02</p> <p>7 A Correct, the LiDar, yes. 15:02</p> <p>8 Q -- sells -- sells today? 15:02</p> <p>9 A There is a LiDar Gen 1, which was about this 15:02</p> <p>10 large, which is in the Smithsonian as well. 15:03</p> <p>11 And, for people to understand what the value 15:03</p> <p>12 of that was, looking at a video screen wasn't enough. 15:03</p> <p>13 You want to be able to get Ethernet packets. And Dave 15:03</p> <p>14 Hall was working on getting that working. 15:03</p> <p>15 And I remember a couple of times where, in 15:03</p> <p>16 getting that ready for demonstration and sale, I 15:03</p> <p>17 helped him get the Ethernet devices, you know, up and 15:03</p> <p>18 running. 15:03</p> <p>19 Q What else did you do after graduate school 15:03</p> <p>20 around that time after you graduated? 15:03</p> <p>21 A I had -- I took the software for the Ghost 15:03</p> <p>22 Rider and applied that to self-driving tractors so 15:03</p> <p>23 that you -- a farmer could actually go and, you know, 15:03</p> <p>24 ride along the tractor, and the tractor would go very 15:03</p> <p>25 precisely straight down the whole field, and it could 15:03</p> <p style="text-align: right;">Page 175</p>	<p>1 information as well. 15:05</p> <p>2 Q What ultimately happened with VueTool? 15:05</p> <p>3 A The -- the VueTool team and technology ended 15:05</p> <p>4 up at Google through an acquisition, even though it 15:05</p> <p>5 wasn't -- 15:05</p> <p>6 MR. EHRLICH: Okay. Excuse me, Counsel. 15:05</p> <p>7 I'm -- Mr. Levandowski, I'm going to instruct 15:05</p> <p>8 you not to give any answers that reference activities 15:05</p> <p>9 after you started -- after that first day you started 15:05</p> <p>10 at Google. 15:05</p> <p>11 THE WITNESS: Okay. 15:05</p> <p>12 MR. EHRLICH: Okay. 15:05</p> <p>13 THE WITNESS: Okay. 15:05</p> <p>14 MS. RAY: Q. What became of your VueTool 15:05</p> <p>15 product? 15:06</p> <p>16 A The VueTool product team joined Google, and 15:06</p> <p>17 then what it became there is something that happened 15:06</p> <p>18 afterwards. But it's -- it was about building 15:06</p> <p>19 pictures of seeing the world so you can -- 15:06</p> <p>20 MR. EHRLICH: You can give the name, if 15:06</p> <p>21 there's any -- 15:06</p> <p>22 THE WITNESS: The name -- Street View is -- 15:06</p> <p>23 is what the technology and team eventually became. 15:06</p> <p>24 MR. EHRLICH: Okay. 15:06</p> <p>25 MS. RAY: Q. Did you ever work at a company 15:06</p> <p style="text-align: right;">Page 177</p>



1 called ENSCO? 15:06	1 represents Uber in this case, she didn't ask you any 15:09
2 A I did, yes. 15:06	2 questions about what you did at Uber; did she? 15:09
3 Q What was ENSCO? 15:06	3 A I -- 15:09
4 A ENSCO stands for Engineering Science and 15:06	4 MR. EHRLICH: You can answer that. 15:09
5 Computers, and it's a research organization where I 15:06	5 THE WITNESS: Yeah, I -- she did not ask me 15:09
6 helped build simulators for understanding how 15:06	6 any questions about what I do at Uber. 15:09
7 self-driving vehicles would go and navigate the world. 15:06	7 MR. PERLSON: Q. And Uber is a defendant in 15:09
8 And I helped put proposals on how to 15:06	8 this case? You understand that? 15:09
9 integrate cameras and LiDar for augmenting the 15:06	9 A I do understand that, yeah. 15:09
10 resolution and the depth of specific information. 15:06	10 Q Don't you think that's a little strange, that 15:09
11 So, if you had a picture and a set of points 15:07	11 Uber's counsel didn't ask you any questions about what 15:09
12 from a laser, you could extract more information by 15:07	12 you did at Uber? 15:09
13 combining the two than just using them separately. 15:07	13 A Well, I did clarify that I was only answering 15:09
14 Q Have we discussed all of your business and 15:07	14 questions about things that I did before I joined 15:09
15 employment ventures before you started at Google at 15:07	15 Google. And I did not join Uber before I joined 15:09
16 this point? 15:07	16 Google. 15:09
17 A I think so, but I don't know. There may be a 15:07	17 Q And what you did before you joined Google 15:09
18 couple of other ones I don't recall right now. 15:07	18 doesn't have any bearing on whether you stole 15:09
19 Q Thank you. 15:07	19 documents from Google; does it? 15:09
20 MS. RAY: I don't have any further questions. 15:07	20 MR. EHRLICH: You can answer, as long as you 15:09
21 THE WITNESS: Okay. Thank you. 15:07	21 confine your answer to what happened before you joined 15:10
22 MR. PERLSON: I'm going to have some. Why 15:07	22 Google. 15:10
23 don't you stop. 15:07	23 MS. RAY: Objection; form. 15:10
24 THE VIDEOGRAPHER: Do you want me to go off? 15:07	24 THE WITNESS: What I -- what I did before I 15:10
25 MR. PERLSON: Yeah. 15:07	25 joined Google does not affect the things that I did 15:10
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1 THE VIDEOGRAPHER: We are going off the 15:07	1 after I joined Google. 15:10
2 record. The time is 3:07. 15:07	2 MR. PERLSON: And, Ms. Ray talked about 15:10
3 (Recess taken.) 15:07	3 things you had done from an engineering perspective 15:10
4 THE VIDEOGRAPHER: We are back on the record. 15:08	4 before you joined Google. 15:10
5 The time is 3:08. 15:08	5 Q But, if you were such an accomplished 15:10
6 MS. RAY: Before I forget, can we designate 15:08	6 engineer, why did you steal 14,000 documents from 15:10
7 this transcript "Attorneys' Eyes Only"? And then 15:08	7 Google? 15:10
8 we'll go through the process of de-designating. 15:08	8 MS. RAY: Objection; form. 15:10
9 MR. PERLSON: That's acceptable. 15:08	9 THE WITNESS: On the advice of -- on -- on 15:10
10 MS. RAY: Great. 15:08	10 the advice and direction of my counsel, I respectfully 15:10
11 MR. EHRLICH: Thank you. 15:08	11 decline to answer. And I assert the rights guaranteed 15:10
12 15:08	12 to me under the Fifth Amendment to the Constitution to 15:10
13 FURTHER EXAMINATION 15:08	13 the United States. 15:10
14 BY MR. PERLSON: 15:08	14 MR. PERLSON: Q. Don't you think that the 15:10
15 Q Mr. Levandowski, you understand that Ms. Ray 15:08	15 jury would be more interested in whether you stole 15:10
16 is Uber's lawyer? 15:08	16 14,000 documents from Google than what you did before 15:11
17 A I do understand that, although I do think 15:08	17 you were at Google? 15:11
18 that MoFo is also representing me. 15:08	18 MS. RAY: Objection; form. 15:11
19 Q And -- 15:08	19 THE WITNESS: On the advice and direction of 15:11
20 MR. EHRLICH: Can I just say, your 15:08	20 my counsel, I respectfully decline to answer. And I 15:11
21 understanding is that MoFo represents you. Not in 15:08	21 assert the rights guaranteed to me under the Fifth 15:11
22 this matter, however; correct? 15:08	22 Amendment of the Constitution to the United States. 15:10
23 THE WITNESS: Correct, yes. 15:09	23 MR. PERLSON: Q. Don't you think that the 15:11
24 MR. EHRLICH: Okay. 15:09	24 question of whether you stole 14,000 documents and 15:11
25 MR. PERLSON: Q. But even though Ms. Ray 15:09	25 used them at Uber is more relevant to this case than 15:11
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<p>1 anything that Ms. Ray asked you? 15:11</p> <p>2 MS. RAY: Objection; form. 15:11</p> <p>3 THE WITNESS: On the advice and direction of 15:11</p> <p>4 my counsel, I respectfully decline to answer. And I 15:11</p> <p>5 assert the rights guaranteed to me under the Fifth 15:11</p> <p>6 Amendment of the Constitution to the United States. 15:10</p> <p>7 MR. PERLSON: Q. Did the clarification that 15:11</p> <p>8 Ms. Ray asked of you during this deposition today have 15:11</p> <p>9 anything to do with the subject matter that was 15:11</p> <p>10 addressed in her examination of you that just preceded 15:11</p> <p>11 me? 15:11</p> <p>12 MS. RAY: Objection. 15:11</p> <p>13 I instruct him not to answer on 15:12</p> <p>14 attorney-client privilege grounds. 15:12</p> <p>15 MR. EHRLICH: And I instruct you to follow 15:12</p> <p>16 that -- that instruction as well. 15:12</p> <p>17 MS. RAY: I'll represent to you, all I did 15:12</p> <p>18 was ask a factual clarification. 15:12</p> <p>19 MR. PERLSON: If you -- 15:12</p> <p>20 MS. RAY: But I'm not going to let him talk 15:12</p> <p>21 to you about privileged matters. 15:12</p> <p>22 MR. PERLSON: I'll reserve all rights on 15:12</p> <p>23 that, but we can deal with that later. 15:12</p> <p>24 That's all. 15:12</p> <p>25 THE WITNESS: Thank you. 15:12</p> <p style="text-align: right;">Page 182</p>	<p>1 CERTIFICATE OF REPORTER</p> <p>2</p> <p>3 I, ANDREA M. IGNACIO, hereby certify that the</p> <p>4 witness in the foregoing deposition was by me duly</p> <p>5 sworn to tell the truth, the whole truth, and nothing</p> <p>6 but the truth in the within-entitled cause;</p> <p>7 That said deposition was taken in shorthand</p> <p>8 by me, a disinterested person, at the time and place</p> <p>9 therein stated, and that the testimony of the said</p> <p>10 witness was thereafter reduced to typewriting, by</p> <p>11 computer, under my direction and supervision;</p> <p>12 That before completion of the deposition,</p> <p>13 review of the transcript [ ] was [x] was not</p> <p>14 requested. If requested, any changes made by the</p> <p>15 deponent (and provided to the reporter) during the</p> <p>16 period allowed are appended hereto.</p> <p>17 I further certify that I am not of counsel or</p> <p>18 attorney for either or any of the parties to the said</p> <p>19 deposition, nor in any way interested in the event of</p> <p>20 this cause, and that I am not related to any of the</p> <p>21 parties thereto.</p> <p>22 Dated: April 14, 2017</p> <p>23</p> <p>24  ANDREA M. IGNACIO,</p> <p>25 RPR, CRR, CCRR, CLR, CSR No. 9830</p> <p style="text-align: right;">Page 184</p>
<p>1 THE VIDEOGRAPHER: Okay. This marks the end 15:12</p> <p>2 of DVD No. 3 in the deposition of Anthony Levandowski. 15:12</p> <p>3 We are going off the record. The time is 15:12</p> <p>4 3:12 p.m. 15:12</p> <p>5 THE REPORTER: Counsel, did you need a copy? 15:12</p> <p>6 MR. EHRLICH: I think we will. 15:12</p> <p>7 MS. RAY: Can you e-mail Ethel and ask her 15:13</p> <p>8 for the order? We have a standing order. 15:13</p> <p>9 THE REPORTER: They have a standing for 15:13</p> <p>10 immediate delivery today. Are you wanting it the same 15:13</p> <p>11 time everybody else gets it? 15:13</p> <p>12 MS. RAY: Yes. 15:13</p> <p>13 MR. EHRLICH: Sure, sure. That's -- we do. 15:13</p> <p>14 (WHEREUPON, the deposition ended 15:13</p> <p>15 at 3:13 p.m.) 15:13</p> <p>16 ---oOo---</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">Page 183</p>	